

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action
	)	No. 09-10017-GAO
	)	
TAREK MEHANNA,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

DAY TWENTY  
JURY TRIAL

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Tuesday, November 22, 2011  
9:09 a.m.

Marcia G. Patrisso, RMR, CRR  
Cheryl Dahlstrom, RMR, CRR  
Official Court Reporters  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 3510  
Boston, Massachusetts 02210  
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

## 1 APPEARANCES:

2 OFFICE OF THE UNITED STATES ATTORNEY  
3 By: Alope Chakravarty and Jeffrey Auerhahn,  
4 Assistant U.S. Attorneys  
5 John Joseph Moakley Federal Courthouse  
6 Suite 9200  
7 Boston, Massachusetts 02210

8 - and -  
9 UNITED STATES DEPARTMENT OF JUSTICE  
10 By: Jeffrey D. Groharing, Trial Attorney  
11 National Security Division  
12 950 Pennsylvania Avenue, NW  
13 Washington, D.C. 20530  
14 On Behalf of the Government

15 CARNEY & BASSIL  
16 By: J.W. Carney, Jr., Esq.  
17 Janice Bassil, Esq.  
18 John E. Oh, Esq.

19 20 Park Plaza  
20 Suite 1405  
21 Boston, Massachusetts 02216  
22 - and -

23 LAW OFFICE OF SEJAL H. PATEL, LLC  
24 By: Sejal H. Patel, Esq.  
25 101 Tremont Street  
Suite 800  
Boston, Massachusetts 02108  
On Behalf of the Defendant

I N D E XDIRECTCROSSREDIRECTRECROSSWITNESSES FOR THE  
GOVERNMENT:

DANIEL SPAULDING, resumed

By Mr. Auerhahn (Cont'd)

4

By Mr. Carney

114

1 (The following proceedings were held in open court  
2 before the Honorable George A. O'Toole, Jr., United States  
3 District Judge, United States District Court, District of  
4 Massachusetts, at the John J. Moakley United States Courthouse,  
5 One Courthouse Way, Boston, Massachusetts, on November 22,  
6 2011.

7 The defendant, Tarek Mehanna, is present with counsel.  
8 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn  
9 are present, along with Jeffrey D. Groharing, Trial Attorney,  
10 U.S. Department of Justice, National Security Division.)

11 THE CLERK: All rise for the Court and the jury.

12 (The Court and jury enter the courtroom at 9:09 a.m.)

13 THE CLERK: Please be seated.

14 THE COURT: Good morning, jurors.

15 THE JURORS: Good morning.

16 THE COURT: Mr. Auerhahn, please.

17 DANIEL SPAULDING, resumed

18 CONTINUED DIRECT EXAMINATION

19 BY MR. AUERHAHN:

00:04 20 Q. Good morning, Mr. Spaulding.

21 A. Good morning.

22 Q. Now, sir, you mentioned earlier that both Mr. Mehanna and  
23 Mr. Abousamra were very knowledgeable in Islamic jurisprudence,  
24 law, et cetera. Were they also fluent in Arabic?

25 A. Yes, sir.

1 Q. And were either or both involved in translations?

2 A. They both engaged in translating Arabic items into  
3 English, yes.

4 Q. And what was the general nature of the kinds of texts that  
5 they were involved in translating?

6 A. Miscellaneous, especially on Tarek's part.

7 Q. Okay. What about Mr. Abousamra?

8 A. Miscellaneous. But the ones that -- certain  
9 jihadist-related materials stand out more so in my mind with  
00:05 10 him.

11 Q. Okay. And was there a particular purpose to translating  
12 jihadist text?

13 A. To create sort of an awareness and -- ideological  
14 awareness.

15 Q. Now, did you have discussions with, first, Mr. Abousamra  
16 about fighting against Americans?

17 A. I believe there were conversations to that effect, yes.

18 Q. Okay. And did some of those conversations involve  
19 Mr. Mehanna as well?

00:05 20 A. I don't have any specific recollection of that, no.

21 Q. Okay. Do you have a recollection of him purposely  
22 absenting himself from such conversations?

23 A. No, I just don't recall ever discussing it with -- while  
24 he was there.

25 Q. Okay. And did you have discussions with Mr. Abousamra

1 about fighting Americans domestically or abroad?

2 A. He spoke about both.

3 Q. And with reference to some of Mr. Mehanna's translations,  
4 did he post them on any particular websites?

5 A. Different Islamic chat forums and such.

6 Q. Okay. What about Tibyan?

7 A. That would have been one of them, yes.

8 Q. Okay. And what kind of website was Tibyan?

9 A. It was primarily one of a jihadist slant, sir.

00:06 10 Q. Okay. And a pretty extremist jihadist slant?

11 A. Generally, yes.

12 Q. Now, are you familiar with a document known as "39 Ways to  
13 Serve and Participate in Jihad"?

14 A. Yes, sir.

15 MR. AUERHAHN: Can we bring up Exhibit 25, please.

16 This is a PDF found on the defendant's computer.

17 And I believe it's in evidence so if we could  
18 just display -- thank you, your Honor.

19 Q. Do you see what's displayed on your screen?

00:07 20 A. I do, sir.

21 Q. And do you recognize that as the document I asked you  
22 about?

23 A. That appears to be it, yes.

24 Q. And did you have a discussion with Mr. Mehanna about the  
25 purpose of translating this particular document?

1 A. I don't recall a specific conversation about the intent,  
2 no, sir.

3 MR. AUERHAHN: May I have a moment, please, your  
4 Honor?

5 (Pause.)

6 MR. AUERHAHN: May I approach?

7 THE COURT: You may.

8 BY MR. AUERHAHN:

9 Q. Can you read this paragraph, paying particular attention  
00:07 10 to the last sentence?

11 A. (Witness complies.)

12 Q. Sir, does that refresh your recollection as to  
13 Mr. Mehanna's intent in translating "39 Ways"?

14 A. In terms of having a specific conversation about it or a  
15 general intent?

16 Q. A general intent based on a conversation.

17 A. Again, I don't have any recollection about any specific  
18 conversations.

19 Q. What do you recall?

00:08 20 A. That he had told me he had translated it. But beyond  
21 that, I don't recollect any conversation going beyond that.

22 Q. Okay. And reading this particular sentence doesn't  
23 refresh your recollection as to the purpose in translating "39  
24 Ways"?

25 A. Not a conversation about it. In regards to your original

1 question, no.

2 Q. I'm not asking you about a specific conversation. I'm  
3 asking you about conversations that you had over the three or  
4 four years of your relationship as to what he said about the  
5 translation of this particular document. I understand you  
6 don't remember specific conversations over the course of a few  
7 years.

8 A. That it was for -- you know, to provide -- you know, the  
9 document provides other options besides fighting in terms of  
00:09 10 supporting jihad.

11 Q. And was it meant to encourage people to support jihad  
12 and fight jihad?

13 MR. CARNEY: Objection.

14 THE COURT: Overruled.

15 THE WITNESS: Excuse me?

16 BY MR. AUERHAHN:

17 Q. Was it intended to encourage other Muslims to fight jihad?

18 THE COURT: Well, I'll sustain it to the form of the  
19 question but...

00:09 20 BY MR. AUERHAHN:

21 Q. Did he tell you besides just providing other options --

22 MR. CARNEY: I object to leading.

23 THE COURT: Overruled.

24 BY MR. AUERHAHN:

25 Q. Besides just providing other options, but also to



1 encourage Muslims to pursue those other options?

2 A. Specifically which options, sir?

3 Q. The "39 Ways," sir.

4 A. Well, I don't recall him ever saying that he was trying to  
5 encourage people to do X, Y and Z. It's just he translated the  
6 document and put it out there. Again, I don't recall specific  
7 conversations.

8 Q. Do you recall telling the FBI that it was to encourage  
9 Muslims to prepare --

00:10 10 MR. CARNEY: I object.

11 BY MR. AUERHAHN:

12 Q. -- for jihad?

13 THE COURT: Overruled.

14 MR. CARNEY: May I be heard at the sidebar, please?

15 THE COURT: All right.

16 (Discussion at sidebar and out of the hearing of the  
17 jury:)

18 MR. CARNEY: I submit that this is an improper way to  
19 try to refresh recollection.

00:10 20 THE COURT: He's gone beyond refreshing; now he's  
21 impeaching.

22 MR. CARNEY: I don't believe so, and if I can address  
23 it briefly. If Mr. Auerhahn asked the witness a question and  
24 the witness says, "I don't remember ever hearing that," it's  
25 improper for Mr. Auerhahn to ask him in front of the jury, "Do

1 you remember telling the FBI" the same thing, because the  
2 answer is objectionable as hearsay.

3 He can't bring out that this witness told the FBI  
4 something because it's rank hearsay. And because the witness  
5 had a failure of memory, it can't be used as an impeachment  
6 under 801. It's possible for Mr. Auerhahn to attempt to  
7 refresh the recollection, but I submit the proper way to do  
8 that is to present the document to the witness and say, "Have  
9 you read that? Does that refresh your recollection?" as  
00:11 10 opposed to reading the document in front of the jury,  
11 especially when the answer is inadmissible as hearsay.

12 THE COURT: In other words, to make sure I understand,  
13 your argument is you can't impeach as a prior inconsistent  
14 statement the answer "I don't remember"?

15 MR. CARNEY: Correct. "I don't today remember."

16 MR. AUERHAHN: I think he's gone beyond that, though,  
17 in terms of "I don't remember." He remembered certain aspects  
18 of what he was told, that it was for the purpose of providing  
19 other ways to serve jihad besides fighting. So he's remembered  
00:12 20 some answers, so I'm impeaching what he says is "That's all he  
21 said to me about this particular document."

22 MR. CARNEY: That's not accurate. He said, "That's  
23 all I remember." He said -- to me that's the distinction.

24 THE COURT: You've convinced me. The objection's  
25 sustained.

1 MR. CARNEY: Okay. Thank you.

2 (In open court:)

3 BY MR. AUERHAHN:

4 Q. Now, sir, in the beginning of your testimony I asked you  
5 whether or not you had an opportunity to review chats and  
6 emails in which you were a participant for the purpose of  
7 preparing for today's testimony. Do you remember that?

8 A. I do, sir.

9 Q. And you acknowledge that you, in fact, received them and  
00:13 10 reviewed them, correct?

11 A. I did, sir.

12 Q. Now, did you also receive copies of your reports of your  
13 previous interviews with the FBI?

14 A. I believe those were included with a transcript of the  
15 grand jury testimony.

16 Q. Okay. So you had a chance to review those 302s of several  
17 different interviews as well as your grand jury testimony?

18 A. Yes, sir.

19 Q. And did you, in fact, review them for the purpose of  
00:13 20 preparing to testify here today?

21 A. I did look at them like two weeks ago, I believe.

22 Q. Okay. And as you sit here today, having reviewed them  
23 just two weeks ago, you don't have a memory now of what you  
24 said to the FBI during those interviews that are memorialized  
25 in those 302s?

1 A. Specifically what?

2 Q. Well, most of the questions I've asked you here today to  
3 which you have a failure of memory.

4 A. I'm not -- I can't recall something that I don't recall,  
5 sir. I'm sorry, but...

6 Q. And when you testified in the grand jury, you had certain  
7 recollections?

8 A. Yes, sir. But that was two years ago, sir.

9 Q. And -- but you reviewed that as well before coming here  
00:14 10 today?

11 A. Briefly. Yes, I looked over it.

12 Q. Now, with respect to this document "39 Ways to Serve and  
13 Participate in Jihad," do you know who published it?

14 A. It was published by the Tibyan website, I believe.

15 Q. That's the jihadi website you talked about earlier?

16 A. Yes, sir.

17 Q. Now, did Mr. Mehanna describe to you his relationship with  
18 the online jihadi community?

19 A. Specifically this forum or...

00:14 20 Q. The online jihadi community in general.

21 A. I mean, he participated in forums like Tibyan.

22 Q. What else did he tell you about his relationship with the  
23 online jihadi community?

24 A. I'm not sure specific -- you know, if you're referring to  
25 specific individuals or forums.

1 Q. Well, did he tell you whether or not there was -- he was  
2 valued for his translation services?

3 A. I believe he was appreciated for his translation  
4 abilities, yes.

5 Q. And did he say that he had respect within that online  
6 jihadi community?

7 A. I think, sir, again, he had a certain respect, yes, in the  
8 forums and such, yes.

9 Q. Specifically the online jihadi community?

00:15 10 A. Yeah, the forums he posted on. Yes.

11 Q. Well, you keep changing the word "forums" to "jihadi  
12 community" to --

13 A. Well, that's a very broad thing. I just -- I'm not sure  
14 if you have a specific set of forums or people in mind, sir.

15 Q. My question is: Did he ever tell you whether or not his  
16 services were held in high regard by the online jihadi  
17 community?

18 A. Again, all I could say is his relation just to the forums  
19 he participated. If you want to describe those as a portion or  
00:16 20 a segment of the jihadi community, then, yes. As far as that  
21 goes, yes.

22 Q. To include Tibyan?

23 A. Yes, sir.

24 Q. Now, were you a member of Tibyan?

25 A. I was, sir.

1 Q. And how did you become a member of Tibyan?

2 A. I -- all I can recall is you would have had to have tried  
3 to sign up for -- you know, provided a user -- you know, ask --  
4 request a user name and password, and provided your email  
5 address, something to that effect.

6 Q. Okay. And did you know any of the administrators of  
7 Tibyan?

8 A. The initial ones? I don't recollect, sir. I would have  
9 to be reminded of who they were in order to be able to answer  
00:17 10 that question.

11 Q. Okay. Well, during the time that you were on Tibyan, do  
12 you know who any of the administrators were?

13 A. Some of the ones that were added later I recall, yes.

14 Q. Okay. Can you give us those names?

15 A. I believe at some point Tarek was an administrator -- or  
16 not necessarily a top one, but somebody with administrative  
17 powers, as was Ahmad Abousamra.

18 Q. Okay. Do you remember any other names?

19 A. Just one -- a couple of user names, but that was it.

00:17 20 MR. AUERHAHN: May I have a moment, your Honor?

21 (Pause.)

22 MR. AUERHAHN: May I approach?

23 Q. Would you read the first couple of sentences of this  
24 paragraph, please?

25 A. (Witness complies.)

1 Q. Does that refresh your recollection concerning any other  
2 administrators on Tibyan?

3 A. It does, sir.

4 Q. Can you tell us the names of any other administrators on  
5 Tibyan?

6 A. Just their user names, sir. No, I don't know their legal  
7 names.

8 Q. Okay. What were their user names?

9 A. Ibn Omar was one and Abu-Saqr was another one.

00:18 10 Q. Okay. And who was Abu-Saqr?

11 A. From what was told to me, he was an individual who resided  
12 in Canada.

13 Q. Did you know him by any other name?

14 A. Not that I recall.

15 Q. Okay. Did you know anything about his role in connection  
16 with the activities of the Tibyan website?

17 A. He was one of the administrators of the site, yes.

18 Q. What about specifically with reference to publications?

19 A. If I recall correctly, I think such things would have had  
00:18 20 to have been cleared by him in order to have been published.

21 Q. Okay. So it was part of his role, taking Word documents,  
22 creating PDFs, and publishing them for Tibyan?

23 A. I don't know if he was the one who transferred Word  
24 documents into PDFs, sir. If he received them already in PDF  
25 form, I don't know that, sir.

1 MR. AUERHAHN: May I approach again, your Honor?

2 THE COURT: All right.

3 BY MR. AUERHAHN:

4 Q. Would you read the third sentence of the same paragraph,  
5 please?

6 A. (Witness complies.)

7 Q. Does that refresh your recollection as to Mr. Abu-Saqr's  
8 role in regard to publications from Tibyan?

9 A. No, sir.

00:19 10 Q. You don't -- that doesn't refresh your recollection as to  
11 what --

12 A. It does not, sir, no.

13 Q. Does it refresh your recollection as to what you told the  
14 FBI?

15 A. Of what who told the FBI?

16 Q. You.

17 A. No, sir. Not with regards to that specific question.

18 Q. On Mr. Saqr's role -- Abu-Saqr's role in creating the PDFs  
19 to be released by Tibyan?

00:20 20 A. Again, I don't recall if he received them already in PDF  
21 form or if he received them in Word document form.

22 MR. AUERHAHN: Can we bring up Exhibit 498, please.

23 Q. Sir, does this appear to be a chat between the defendant  
24 and someone named Abu Mu'ndhir?

25 A. Yes, sir.



1 Q. Okay. And Mr. -- looking specifically at this section,  
2 does Abu Mu'ndhir here say, "You're close to this guy Bro  
3 Mujahid, right?" Who's "Bro Mujahid"?

4 A. I would assume that would refer to me. That was an  
5 abbreviated form of my user name.

6 Q. On Tibyan?

7 A. On Tibyan and other forums.

8 Q. And the defendant says, "Talking to him right now."  
9 Mr. Mu'ndhir says, "Brother, ask him why is he deleting the  
00:21 10 reference to Tibyan articles on RI."

11 First, do you know Abu Mu'ndhir?

12 A. I don't recollect who that is, sir, no.

13 Q. Do you recall any conversation with Mr. Mehanna about the  
14 deleting references to Tibyan articles on RI?

15 A. Nothing that immediately stands out in my mind, sir.

16 Q. Okay. What is RI?

17 A. That was another forum.

18 Q. Okay.

19 A. I believe it's an abbreviation for Reviving Islam.

00:21 20 Q. Is that another forum you visited as well?

21 A. Yes, sir.

22 Q. And do you recall deleting references to Tibyan articles  
23 on Reviving Islam?

24 A. I don't have a recollection of that, sir.

25 MR. AUERHAHN: Can we go to the next page, please.

1 Q. Mr. Mu'ndhir says, "Don't say I am on their forum." The  
2 defendant says, "He says he thought he had. He didn't mean to  
3 not put it in." Mu'ndhir says, "There's a brother who posted  
4 on there asking for the reference and the post was deleted.  
5 Can you ask him how come that was?" The defendant said, "He is  
6 correcting it now." Mu'ndhir says, "Okay." The defendant  
7 says, "He fixed it." Mu'ndhir says, "Cool."

8 Does this refresh your recollection about a conversation  
9 with Mr. Mehanna about deleting certain references on Reviving  
00:22 10 Islam?

11 A. It does not, sir.

12 Q. Okay. Now, as an administrator what powers, if you will,  
13 did Mr. Mehanna have with reference to posts by other members?

14 A. He could delete posts, edit them, things of that nature.

15 Q. And did he post many publications on Tibyan directly?

16 A. You mean on his own or through the site itself?

17 Q. Through the site.

18 A. He did post a couple translations on there as I recall.

19 Q. And what screen name did he use on Tibyan?

00:23 20 A. If memory serves me correctly, it was Abu Sabaayaa.

21 Q. And you've already said you used Brother Mujahid?

22 A. Yes.

23 Q. And what about Ahmad Abousamra?

24 A. I think he switched his user name a few times, and I don't  
25 recall which one he used on that forum.

1 Q. Does Abul Fadl ring a bell?

2 A. That would have been one he used, but I don't recall if  
3 that was on Tibyan or another site at this point.

4 MR. AUERHAHN: Can we bring up Exhibit 670, please?

5 Q. Now, I'll show the large part of this. This appears to be  
6 a chat conversation, a group conversation, involving the  
7 defendant, Ahmad AS, and Dan Spaulding. Ahmad AS is who?

8 A. I'm assuming Ahmad Abousamra.

9 MR. AUERHAHN: Okay. Can we go to page 3, please?

00:24 10 Q. Ahmad AS says, "Abu Umar, do you have the summer catalog  
11 for Umb," and then, "'cause Ibrahim just called." You say, "My  
12 security has now been compromised." Ahmad AS says, "He needs a  
13 copy of it." The defendant says, "Well, if you used the proxy  
14 I sent you, it wouldn't be an issue," wink, smiley face. You  
15 say, "The FBI will ascend on my house any minute." Abousamra:  
16 "Hahahaha. Hey, al-faqeer the needy, all that proxy moxy info,  
17 whether for MSN or surfing, can you tell me where to find it?"  
18 The defendant said, "Aah, now you want it. Okay. Okay."  
19 Abousamra: "You know, realistically speaking, if you wanted it  
00:25 20 to be of any benefit to you" --

21 Before we go on to the next page, this discussion about  
22 securing a proxy, can you explain to us what that's about?

23 A. That would have involved -- you can download a certain  
24 program so that when you use the internet, it uses a different  
25 IP address.

1 Q. Were you concerned about you being identified as involved  
2 in certain internet activity?

3 A. Initially.

4 Q. Okay.

5 MR. AUERHAHN: Next page, please.

6 Q. Abousamra says, "You'd have to create a new email  
7 address" -- to which the defendant responds, "I know email.  
8 Again Abousamra: -- "and new MSN screen name." The defendant:  
9 "But, alas, I am doomed to my fate." Abousamra: "Otherwise it  
00:26 10 does absolutely nothing." The defendant: "I used it." Mr.  
11 Abousamra: "To think you're cool." The defendant: "So that  
12 if someone is scared from talking to me, I can just tell them  
13 'I am using a proxy. Don't worry.'"

14 MR. AUERHAHN: Can we bring up Exhibit 441, please.

15 Q. Are you familiar with this poem, "Make Death What You  
16 Seek"?

17 A. Vaguely.

18 Q. Okay. You said Abu Sabaayaa, that's the defendant?

19 A. I believe so. In this case, yes.

00:26 20 Q. Okay. And do you recall who wrote this poem?

21 A. I don't recall if he -- if it's his poem or a translation  
22 of someone else's, sir.

23 MR. AUERHAHN: Can we bring up Exhibit 668, please?

24 Q. And this appears to be a chat session between you and the  
25 defendant on July 25, 2006. Is that correct?

1 A. That's what it would appear to be, yes, sir.

2 MR. AUERHAHN: Can we go to the second page.

3 Q. Can you read what's attributed to you, please?

4 A. "Did you write the poem 'Make Death What You Seek'?"

5 Q. The defendant said, "Yeah, a few years back."

6 A. "On CG?"

7 Q. "Yup."

8 A. "I just found it."

9 Q. "It's still online?"

00:27 10 A. And then a post of two different links, I believe.

11 Q. Which have the words "Tibyan" on them?

12 A. Yes, sir.

13 Q. Does this refresh your recollection as to who wrote the  
14 poem "Make Death What You Seek"?

15 A. I guess if he's acknowledging it in this, yes.

16 Q. And you reviewed this chat before you came to court today?

17 A. This particular chat? I don't recall.

18 Q. You don't recall if this was in the pile of chats I gave  
19 you to review in preparation for your testimony today?

00:28 20 A. Well, it was a rather thick document, sir. I don't recall  
21 every word that was in there.

22 Q. Did you review it carefully for the purpose of this  
23 serious proceeding here?

24 A. I did look through it, yes, sir.

25 Q. But you didn't remember having read this particular chat?

1 A. No, sir.

2 Q. Okay. Now, with reference to --

3 MR. AUERHAHN: You can take that down, Paul. Thank  
4 you.

5 Q. Now, with reference to the "39 Ways," you said it set  
6 forth other ways to participate in jihad besides just fighting?

7 A. Yes, sir.

8 Q. And it also talks about ways to prepare for jihad,  
9 correct? It's about serving and participating, so it's -- and  
00:28 10 it also talks about preparation?

11 A. I believe items to that effect are included in it.

12 Q. Okay. And did Mr. Mehanna follow any of the 39 ways of  
13 preparing?

14 A. Beyond, like, praying for the mujahideen or speaking in  
15 support of them, there's nothing that specifically comes to  
16 mind.

17 Q. Okay. Well, one is speaking in support of the mujahideen.

18 A. Yes, sir. Yes.

19 Q. And that's one of the "39 Ways" that's listed, correct?

00:29 20 A. Yes, sir.

21 Q. Okay. And what about the translation and dissemination of  
22 material?

23 A. Yes, that would have been part of it.

24 Q. Okay. And what about any physical activity, physical  
25 training?

1 A. I don't recall -- recall a specific instance of him saying  
2 I'm getting trained for a specific -- physically trained for  
3 that specific reason.

4 MR. AUERHAHN: May I approach, your Honor?

5 THE COURT: You may.

6 MR. CHAKRAVARTY: Again, 6/29/10, page 4, third full  
7 paragraph.

8 BY MR. AUERHAHN:

9 Q. Would you read that full third paragraph there, please.

00:30 10 A. (Witness complies.)

11 Q. Okay? Now, does that refresh your recollection as to  
12 whether or not in addition to him talking about the mujahideen  
13 and the translation services, Mr. Mehanna did anything else?

14 A. Somewhat.

15 MR. CARNEY: May I have one moment, please, your  
16 Honor, to speak to Mr. Auerhahn?

17 THE COURT: Okay.

18 (Counsel confer off the record.)

19 MR. CARNEY: Thank you, your Honor.

00:31 20 BY MR. AUERHAHN:

21 Q. So the question was whether or not that refreshed your  
22 recollection as to whether in addition to the translation --

23 THE REPORTER: I'm sorry, Mr. Auerhahn. I can't hear  
24 you.

25 THE COURT: Yeah, would you use the microphone, Mr.

1 Auerhahn, a little better?

2 BY MR. AUERHAHN:

3 Q. So the question was whether or not in addition to the  
4 translation services and the speaking on behalf of the  
5 mujahideen, whether Mr. Mehanna did anything else to prepare  
6 for jihad.

7 A. Just like I said, to be ready, I suppose you could say,  
8 but nothing specifically, "go here/do that" type.

9 Q. And what do you mean "to be ready"?

00:32 10 A. Just to be in a state of physical fitness.

11 Q. Okay. And for the purpose of being in a state of physical  
12 fitness, did he participate in any training?

13 A. I wouldn't use the word "training" per se, but there was  
14 a -- he did briefly attend a martial arts session put on by  
15 someone at the -- at MIT.

16 Q. And what did Mr. Mehanna tell you about being ready?  
17 Ready for what?

18 A. Just, in a general sense, be ready in case you need to be  
19 able to do something.

00:32 20 Q. Something like jihad? We're not talking about just  
21 something something; we're talking about jihad, right?

22 A. Yeah.

23 Q. Speaking of training, do you know an individual named  
24 Ahmad Abu Dawud?

25 A. Yes, sir.



1 Q. Do you know how to spell Abu Dawud?

2 A. I believe he spelled it A-B-U D-A-W-O-O-D, but I'm not  
3 positive on that, sir.

4 Q. Do you remember approximately when you first met Mr. Abu  
5 Dawud?

6 A. I don't recall the first instance where I met him, sir.

7 Q. Okay. It was -- was it before or after you met  
8 Mr. Mehanna?

9 A. It would have been after, I believe.

00:33 10 Q. Okay. And did he become a member of a group of friends  
11 which included you and Mr. Mehanna?

12 A. We did initially, I suppose, you know, hang out with him  
13 on a few occasions.

14 Q. Okay. And in terms of you talked about yesterday about --  
15 you know, Salafi-Jihadi views, how would you describe his  
16 philosophy?

17 A. I don't know. He was kind of an odd person. I can't put  
18 a finger on any of his specific belief system. I mean, he  
19 did -- he would ask questions about jihad and such, and talk  
00:34 20 about the need to be ready, but in terms of having necessarily  
21 the clearly defined parameters that most experts use when they  
22 say Salafi-Jihadist, I don't know that he would necessarily  
23 fall into that categorization.

24 MR. AUERHAHN: May I approach, your Honor?

25 THE COURT: All right.

1 BY MR. AUERHAHN:

2 Q. Would you read --

3 MR. AUERHAHN: I'm sorry. Mr. Carney, 6/29/10, third  
4 paragraph.

5 Q. Would you read that and see if it refreshes your  
6 recollection?

7 A. (Witness complies.)

8 Q. Sir, did Mr. Abu Dawud have a Salafi-Jihadi world view?

9 A. Again, I can say that he had a certain interest in jihad,  
00:35 10 but, again, I don't know if I can use the word "Salafi" --

11 Q. So --

12 A. -- which encompasses a lot more than just, you know,  
13 jihadist inclinations.

14 Q. So just so I understand, so he was a jihadi but not  
15 necessarily a Salafi-Jihadi?

16 A. I mean, I don't know that he had the specific theological  
17 knowledge to identify himself as such. I don't know that. I  
18 don't recall.

19 Q. Would you characterize him as a jihadi?

00:36 20 A. Certainly that -- in some instances that's how he would  
21 have presented himself.

22 Q. And you mentioned something earlier about it being  
23 necessary to train and be ready?

24 A. Yes, sir.

25 Q. Can you elaborate on that, please?

1 A. In regards to Mr. Abu Dawud?

2 Q. Yes.

3 A. Yes. He was someone who was -- would frequently speak to  
4 that effect, that, you know, trying to always talk, "Oh, be  
5 ready." You know, "You've got to be prepared. Be ready.  
6 Stuff's going to happen," things to that effect.

7 Q. Okay. And he's the one who ran the program at MIT that  
8 you referred to earlier?

9 A. That was my understanding.

00:36 10 Q. Now, at some point in 2004 did you learn about a trip to  
11 Yemen?

12 A. I don't recall if it was in 2004 now, but I did  
13 eventually, yes, learn about that.

14 Q. And with whom did you speak to about this trip to Yemen?

15 A. I recall discussions with Ahmad Abousamra about them.

16 Q. Okay. What about with Tarek Mehanna?

17 A. They were discussed at some point, yes, sir.

18 Q. Okay. So let's focus on Mr. Mehanna first. Tell us what  
19 Mr. Mehanna told you about the trip to Yemen.

00:37 20 A. He spoke, obviously, that he had -- he had gone to Yemen.  
21 He spoke about some of the different localities that they had  
22 visited.

23 Q. Who's "they"?

24 A. He and Mr. Abousamra. Sorry. And he mentioned that there  
25 was a third individual who had gone part of the way with them

1 but had left. He didn't go all the way to Yemen with them.

2 Q. Who was this third individual?

3 A. I believe his name was Kareem Abuzahra.

4 Q. Okay. Did Mr. Mehanna tell you why Mr. Abuzahra had  
5 backed out?

6 A. Something -- if I recall, it was something to the effect  
7 that his parents or some family member called him, and he used  
8 that as an excuse to go back.

9 Q. And you say "he used that as an excuse." What do you mean  
00:38 10 by that?

11 A. They didn't think he wanted to go -- both Tarek and Ahmad  
12 had mentioned to me on different occasions that they didn't  
13 think he wanted to actually go to Yemen with them.

14 Q. Okay. And what was their purpose in going to Yemen?

15 A. Ahmad told me that it was to obtain paramilitary training,  
16 or terrorist training, if you prefer.

17 Q. And Abuzahra chickened out?

18 A. Essentially that was the way they depicted -- Ahmad,  
19 especially, depicted him.

00:38 20 Q. Okay. Did Mr. Mehanna see it the same way, as chickening  
21 out, as opposed to using a legitimate excuse?

22 A. I believe he had characterized it in that light at some  
23 point, yes, sir.

24 Q. Now, when you were friends with Mr. Abousamra and  
25 Mr. Mehanna, was Mr. Abuzahra part of the group as well?

1 A. I -- they did not associate with him as much by that  
2 point.

3 Q. And did either Mr. Mehanna or Mr. Abousamra tell you why  
4 Mr. Abuzahra was no longer part of their group?

5 A. From what I believe -- I can't remember which one, but one  
6 of them indicated that he was kind of a -- you know, had a  
7 controlling wife and he wasn't, as such, able -- you know, he  
8 had family and wasn't able to go out, you know, and socialize  
9 as much.

00:39 10 Q. Okay. Now, in terms of these discussions about the trip  
11 to Yemen and the purpose of the trip to Yemen, would  
12 Mr. Abousamra and Mr. Mehanna talk about it openly in front of  
13 lots of people or a select group of people?

14 A. More so certain people.

15 Q. And who were those certain people?

16 A. People that they -- specifically with -- you know, people  
17 that they knew fairly well in the community.

18 Q. Okay. And with reference to the kind of details you've  
19 already given, was that a particularly small circle?

00:40 20 A. Generally, yes, sir.

21 Q. And who was in that particularly small circle?

22 A. I mean, I guess the people that -- there were people that  
23 knew that the trip had gone on in the first place. I'm trying  
24 to think of some names for you, sir. Hassan Masood was  
25 somebody; Ali Aboubakr might have been one, but I don't recall

1 beyond that at the moment, sir.

2 MR. AUERHAHN: May I approach, your Honor?

3 THE COURT: All right.

4 MR. AUERHAHN: Grand jury, page 11, line 17 at the  
5 bottom.

6 BY MR. AUERHAHN:

7 Q. Would you read line 17 to the bottom and see if that  
8 refreshes your recollection as to whether or not there was a  
9 rather small circle of people with whom he discussed the  
00:41 10 specifics of the Yemen trip?

11 A. (Witness complies.)

12 Q. Sir, does that refresh your recollection concerning the  
13 small circle of people to whom he would disclose the details of  
14 the Yemen trip?

15 A. Yes, sir.

16 Q. And who was in that small circle?

17 A. I would add the name Daniel Maldonado.

18 Q. So basically you, Daniel Maldonado, and obviously each  
19 other, Ahmad and Mr. Mehanna?

00:41 20 A. And a few others, sir, that I had mentioned, yes.

21 Q. Aboubakr and Masood?

22 A. Yes, sir.

23 Q. Now, you described the intention to get paramilitary  
24 training or -- I apologize -- I forget the exact word you used,  
25 but was there an intention to do something after getting the

1 training?

2 A. Yes. Ahmad expressed his desire for that, yes.

3 Q. Okay. And what did he tell you he was going to do after  
4 the training?

5 A. He had indicated that he had hoped to participate in an  
6 armed conflict somewhere; specifically, one involving the  
7 United States.

8 Q. In what country?

9 A. I believe his preference was to go to Iraq, sir.

00:42 10 Q. Okay. And ultimately, did he tell you that he, in fact,  
11 went to Iraq?

12 A. He did, sir.

13 Q. Did you ever discuss with Mr. Mehanna why he didn't go on  
14 to Iraq with Mr. Abousamra after Yemen?

15 A. I have a vague recollection, sir, yes.

16 Q. Okay. And what did Mr. Mehanna tell you as to why he  
17 didn't go on to Iraq with Mr. Abousamra?

18 A. If I recall correctly, he got a call from his parents, so  
19 he felt it was his responsibility to return home to them.

00:43 20 Q. Okay. Do you remember any other reason?

21 A. Nothing that comes to mind at the moment, sir.

22 MR. AUERHAHN: May I approach, your Honor?

23 THE COURT: All right.

24 MR. AUERHAHN: Grand jury, page 16, line 15 to 21.

25 BY MR. AUERHAHN:

1 Q. Would you read lines 15 to 21, please.

2 A. (Witness complies.)

3 Q. Now, does that refresh your recollection as to Mr. Mehanna  
4 telling you another reason why he didn't go on to Iraq with  
5 Mr. Abousamra?

6 A. Vaguely, sir.

7 Q. And what was that other reason?

8 A. That he was -- thought it was a waste of time.

9 Q. Was he disillusioned with their lack of success in Yemen?

00:44 10 A. That was a possibility, sir, yes.

11 Q. Well, is that one of the things he said to you?

12 A. Something to that effect, yes, sir.

13 Q. And he gave up while Mr. Abousamra did not?

14 A. Yes, sir.

15 Q. And why did Mr. Abousamra not give up?

16 A. Because he had this -- these notions and he seemed pretty  
17 intent on fulfilling them.

18 Q. Now, did Mr. Abousamra tell you some of the places they  
19 visited in Yemen?

00:45 20 A. Different schools and the like, yes, sir.

21 Q. And did he say what their purpose was in visiting these  
22 schools?

23 A. He indicated, as I said earlier, that Ahmad had indicated  
24 that it was his purpose to try to find individuals or contacts  
25 that could help him obtain this weapons training.



1 Q. Okay. And when he talked about it, he talked about what  
2 he and Mr. Mehanna did, correct?

3 A. Those were the terms he spoke about them in, yes, sir.

4 Q. Now, you mentioned that Abousamra told you that he  
5 actually made it to Iraq. Did he describe to you any of his  
6 experiences in Iraq?

7 A. He did, sir.

8 Q. And what did he tell you about his experiences in Iraq?

9 A. That he -- again, he sought out -- he had hoped to seek  
00:46 10 out this weapons training, paramilitary training, but, again,  
11 was rebuffed. At some point he was in the city of Fallujah,  
12 Iraq, looking for such contacts but, again, was unable to  
13 acquire them.

14 Q. Did Mr. Abousamra talk about his experiences in Iraq in  
15 the presence of Mr. Mehanna?

16 A. There's no specific instance that stands out in my mind of  
17 that, sir.

18 Q. Do you remember generally discussions with Mr. Mehanna  
19 about Abousamra's experiences in Iraq?

00:46 20 A. I believe that we had spoken about it on a few occasions,  
21 yes, sir.

22 Q. Now, did you learn at some point that this was not  
23 Mr. Abousamra's first attempt to get paramilitary training in  
24 the Middle East?

25 A. Yes, sir.

1 Q. And from whom did you learn about this other occasion?

2 A. I don't recall if it was Mr. Abousamra himself who  
3 initially told me or someone else.

4 Q. And if it were someone else --

5 A. I don't recall. I believe it was -- it would have been  
6 him who would have told me.

7 Q. Okay. And what did Mr. Abousamra tell you about his other  
8 trips to the Middle East for the purpose of receiving  
9 paramilitary training?

00:47 10 A. He had spoken of at least, I believe, two trips to  
11 Pakistan with the intent of getting said paramilitary training,  
12 sir.

13 Q. Did he indicate an attempt to contact any particular  
14 organization?

15 A. I think in Pakistan the group he was hoping to get in  
16 contact with is a group called Lashkar-e-Taiba.

17 Q. And did he explain to you any connection to that  
18 organization that he had here in the United States?

19 A. As I recall, the -- he said something to the effect that  
00:48 20 he had a contact -- somebody who was in contact with the group  
21 via the iman -- the former iman of the Worcester mosque.

22 Q. Did you discuss Mr. Abousamra's experiences in Pakistan  
23 with the defendant Mehanna?

24 A. I remember mentioning it a few times, but I don't recall  
25 the depth of the said conversations.

1 Q. Okay. Did either Mr. Mehanna or Abousamra ever encourage  
2 you to go on jihad to Iraq or any other location?

3 A. Mr. Mehanna, no. Abousamra would talk about it in a more  
4 general sense, yes.

5 MR. AUERHAHN: May I approach, your Honor?

6 THE COURT: All right.

7 MR. AUERHAHN: 10/29/09, page 2, third paragraph.

8 BY MR. AUERHAHN:

9 Q. If you could read that third paragraph, please.

00:49 10 A. (Witness complies.)

11 Q. Now, sir, did Mr. Mehanna ever encourage you to go to  
12 jihad in order to defend Muslim land such as in Iraq?

13 A. I have no recollection of it -- that conversation to that  
14 effect.

15 Q. And reading this 302 doesn't refresh your recollection  
16 concerning such a conversation?

17 A. No, sir.

18 Q. But you recall a conversation with Mr. Abousamra about  
19 that?

00:50 20 A. In a general sense, yes. I mean, there was no specific  
21 "Go here at this time and do that," but there was that  
22 persistent, "We should go, we should go," you know.

23 Q. Now, sir, when you read these 302s, did you contact anyone  
24 to say, "There are things in here I don't remember"?

25 A. Excuse me?

1 Q. When you read these 302s in preparation for your  
2 testimony, there's something in here that's different than you  
3 just testified to with reference to Mr. Mehanna.

4 MR. CARNEY: I object.

5 THE COURT: Sustained.

6 That will be stricken and the jury will disregard  
7 that.

8 BY MR. AUERHAHN:

9 Q. Did you contact anyone to say that there's some error in  
00:50 10 this 302 concerning what your memory of events are?

11 A. No, sir.

12 Q. Now, with reference to the obligation to receive military  
13 training to engage in jihad, did you ever discuss with  
14 Mr. Mehanna or Mr. Abousamra that obligation?

15 A. Can you repeat the question?

16 Q. Did you discuss with Mr. Mehanna or Mr. Abousamra the  
17 obligation to receive military training to engage in jihad?

18 A. I believe I had conversations with Mr. Abousamra to that  
19 effect, sir.

00:51 20 Q. How about with Mr. Mehanna?

21 A. There's nothing that I can clearly recall, sir, no.

22 MR. AUERHAHN: May I approach?

23 Grand jury, page 18, line 9 to 13.

24 Q. Can you see if that refreshes your recollection about a  
25 conversation?

1 A. (Witness complies.)

2 Q. So does that refresh your recollection as to Mr. Mehanna's  
3 statements concerning an obligation to get military training to  
4 participate in jihad?

5 A. It does not, sir.

6 Q. And when you testified in the grand jury was your memory  
7 clearer than it is today?

8 A. I would say so, sir, yes.

9 Q. Okay. So -- and you testified from your then-present  
00:53 10 memory as best you could recall it?

11 A. I did, sir.

12 MR. AUERHAHN: Okay. Your Honor, I would like to read  
13 a few sentences from the grand jury, his past recollection  
14 recorded.

15 MR. CARNEY: I object.

16 THE COURT: Let me see you.

17 (Discussion at sidebar and out of the hearing of the  
18 jury:)

19 MR. CARNEY: Your Honor, if we were in the superior  
00:53 20 court I would say *Commonwealth versus Bookman* which is based on  
21 the federal rule as well. The grand jury can never -- grand  
22 jury testimony can never constitute past recollection recorded  
23 because past recollection recorded requires that the witness  
24 either created the document or saw the document close in time  
25 to when he had a memory of it and knew at that moment that the

1 document was accurate.

2 The defendant did not -- I mean, the witness did not  
3 have an opportunity to look at the grand jury transcript  
4 promptly after it was created in order to affirm that it was  
5 accurate, and so that's why the grand jury transcript is not  
6 admissible as present recollection recorded.

7 MR. AUERHAHN: I'm not familiar with the *Commonwealth*  
8 *versus Bookman* case, but it would seem to me if I told the  
9 witness and he wrote it down, then that witness can testify as  
00:54 10 to what it was that the other person -- in other words, let's  
11 say, for example, some goes to a police officer and said, "I  
12 just saw the getaway car and here's the license plate," and the  
13 police officer writes down the license plate. The witness  
14 who's on the stand can testify, "I saw the license plate. I  
15 remember it. I gave it to the police officer." And the police  
16 officer's the one who's going to testify, "I wrote it down  
17 based on what the person told me." And I don't think we have  
18 to say, "Did you look at the piece of paper that it was written  
19 down on and what was on it?"

00:55 20 MR. CARNEY: I think that's exactly what you have to  
21 do.

22 THE COURT: I think you do. I think you do.

23 MR. CARNEY: Excuse me for interrupting.

24 THE COURT: Reading the language of the rule which is  
25 803(5), "A memorandum or record concerning a matter about which

1 a witness once had knowledge but now has insufficient  
2 recollection to enable the witness to testify fully and  
3 accurately, shown to have been made or adopted by the witness  
4 when the matter was fresh in the witness' memory."

5 So what needs to be shown to have been made or adopted  
6 is the memorandum or record. So I think it does require that  
7 the writing have been -- so if, for example, he testified thus  
8 in the grand jury, and shortly thereafter reviewed the grand  
9 jury notes and affirmed that they accurately captured his  
00:55 10 testimony, then I think it would suffice. But in the absence  
11 of that, the memorandum of the record has not been validated by  
12 the witness.

13 MR. AUERHAHN: So can I ask him, as I did with the  
14 302s, "Did you review the transcript? Did you find any errors?  
15 Did you bring any errors to the attention of anyone? Is there  
16 anything that" --

17 THE COURT: No, I think it has to be contemporaneous  
18 with the recording -- more or less contemporaneous with the  
19 recording. So if he left the grand jury and his lawyer got a  
00:56 20 transcript and they went over it and he made no objection, then  
21 you might have it. But I don't think a couple of years later  
22 it works.

23 (In open court:)

24 BY MR. AUERHAHN:

25 Q. Now, was there a -- you said earlier that there was

1 a -- sort of a circle of people to whom the defendant and  
2 Abousamra would feel comfortable talking about Yemen?

3 A. Yes, sir.

4 Q. Was there a similar sort of small circle of people within  
5 which the defendant felt comfortable talking about the  
6 obligation of jihad?

7 A. He would speak about that, yes.

8 Q. And was there a small circle of people in front of whom he  
9 would talk about that?

00:57 10 A. There was probably certain people that he would be more  
11 forthright with, yes, sir.

12 Q. Was Mr. Abousamra more or less careful about those kinds  
13 of conversations?

14 A. Not as much, sir, no.

15 Q. And you've already mentioned some of the close friends:  
16 you, yourself; Daniel Maldonado; Hassan Masood. Were there  
17 others in a larger group of friends?

18 A. Yeah, there were sort of people that would come and go, I  
19 suppose you could say.

00:58 20 MR. AUERHAHN: Could we have Exhibit 653, please?

21 Q. And does this appear to be a chat between you and the  
22 defendant on February 8, 2006?

23 A. It does appear that way, sir, yes.

24 MR. AUERHAHN: Can we go to page 14, please.

25 Q. Why don't you start with the part attributed to you where



1 you say, "I read an" --

2 A. "I read an Abu Muhammad article" --

3 Q. "Ya."

4 A. -- "where he mentions that many people go into jihad with  
5 little or no knowledge and this leads the act in incorrect  
6 ways."

7 Q. "Yes."

8 MR. AUERHAHN: Next page, please.

9 Q. Go on, please.

00:59 10 A. "So he stressed the importance of having knowledge of the  
11 Sharee'ah law. I was like, 'Wow, I better start learning  
12 more.'"

13 Q. "If you think about people like him and Abu Anas, et  
14 cetera, you realize that they combined the two greatest things  
15 that any Muslim can be: a scholar and a mujahid."

16 A. "Well, someone like Abu Muhammad, when I read his articles  
17 and books, I really feel like I'm learn [sic] beneficial  
18 knowledge and I feel like my faith is being raised. It is not  
19 just a stale and boring outlining of facts. It goes right to  
00:59 20 the heart. Truly Allah has blessed us with the great scholars  
21 like Abu Muhammad al-Maqdisi and Saalih al-Munajjid. May Allah  
22 preserve and protect them."

23 Q. "Amen."

24 A. "Thinking about great men and scholars like ibn  
25 al-Uthaymeen and the rest forces me to think about how rotten

1 of a person I really am."

2 Q. "Yeah. These people. Imagine how much knowledge they  
3 spread around the world."

4 A. "These scholars went through all sorts of trials and  
5 tribulations that I have no idea about, yet I screw up over the  
6 simplest things."

7 Q. And then a link is sent: Jewelsofguidance/ibnuthaymeen.

8 A. "Yet someone like al-Maqdisi is in jail and has never  
9 relented on his principles. May Allah reward you for it. Oh,  
01:00 10 how could I forget Abdullah Azzam. Surely he deserves to be  
11 mentioned among shayukh as ibn al-Uthaymeen. May Allah be  
12 merciful to them both."

13 Q. Now, I believe you mentioned yesterday who Abu Muhammad  
14 al-Maqdisi is.

15 A. Yes.

16 Q. How about Abdullah Azzam?

17 A. He was a -- I believe of Palestinian origin who was one of  
18 the leading figures who recruited Arab fighters to fight  
19 against the Soviet Union in Afghanistan in the '80s.

01:01 20 MR. CARNEY: May I have a moment, your Honor?

21 (Counsel confer off the record.)

22 MR. CARNEY: The prosecution is going to stop the chat  
23 at that point. I would ask about another half a page of it be  
24 written [sic] because I submit it's on the same subject.

25 MR. AUERHAHN: Your Honor, Mr. Carney can certainly do

1 that in cross-examination. I'm sure he has intentions on doing  
2 a fulsome cross-examination, and there's more from the chat  
3 that's relevant...

4 THE COURT: Let me take a look at it.

5 MR. CARNEY: Your Honor, the number would be 653, and  
6 the bottom of the page is 52 -- page 52 -- when the discussion  
7 begins about Abdullah Azzam, and continues on to page 53 -- I'm  
8 referring to the bottom of the document -- where the defendant  
9 begins talking about Abdullah Azzam.

01:02 10 (Pause.)

11 MR. CARNEY: And I'm suggesting that page 53, halfway  
12 down, would complete the conversation concerning Abdullah  
13 Azzam.

14 (Pause.)

15 MR. AUERHAHN: Your Honor, without debating this too  
16 much in front of the jury, but I don't think it affects the  
17 meaning of the words that we read in any way that creates a  
18 different context or meaning. And if Mr. Carney disagrees, he  
19 can certainly do so on cross.

01:03 20 THE COURT: Well, I think it does complete the  
21 thought. I think you can have it. So it's basically through  
22 the "yes"?

23 MR. CARNEY: Yes. "Did they resolve" --

24 THE COURT: Page 53.

25 MR. CARNEY: "Did they resolve it?" "Yes."

1 THE COURT: "Did they resolve it?" "Yes."

2 MR. CARNEY: Exactly right.

3 BY MR. AUERHAHN:

4 Q. Before we leave this page, "Abu Anas, et cetera, you  
5 realize that they combined the two greatest things that any  
6 Muslim can be: a scholar and a mujahid." Who's Abu Anas?

7 A. As I recall, he was someone who had fought in Iraq, and I  
8 believe was ultimately killed there.

9 Q. Fought in Iraq against U.S. forces?

01:04 10 A. I believe so, yes.

11 MR. AUERHAHN: Next page, please.

12 Q. "I have a book by Abdullah Azzam where he says that he  
13 loves Shaykh Uthaymin and Shaykh Bin Baz more than he loves his  
14 own parents."

15 A. "I know ibn al-Uthaymeen praised Azzam's books and  
16 recommended them. Ibn Baz too. Did Imaam al-Albaani and Imaam  
17 Abdullah Azzam ever have any interaction?"

18 Q. "Yes."

19 THE COURT: That's not the "yes." There's another  
01:04 20 one --

21 MR. AUERHAHN: Oh, sorry.

22 THE COURT: -- further down.

23 That's it.

24 MR. AUERHAHN: The second "yes"?

25 THE COURT: That's it.

1 BY MR. AUERHAHN:

2 Q. "Al-Albaani says Abdullah Azzam was always in the first  
3 row at all of his lessons although there was one incident  
4 between them that was unpleasant but was the result of a  
5 misunderstanding."

6 A. "Did they resolve it?"

7 Q. "Yes."

8 MR. AUERHAHN: Is that the "yes"? Okay.

9 You can take that down.

01:05 10 Q. Now, sir, did you ever have a conversation with  
11 Mr. Mehanna about certain friends in Egypt that he had?

12 A. Yes, sir.

13 Q. Friends who had traveled to Iraq in about 2003 after the  
14 U.S. invasion?

15 A. At least one of them, sir, yes.

16 Q. Okay. And what did he tell you about those friends?

17 A. He mentioned that he had a friend in Egypt who had gone to  
18 Iraq and was there during the initial stages of the invasion in  
19 2003, but later left and returned back to Egypt.

01:05 20 Q. Did he tell you anything else about those friends?

21 MR. CARNEY: I object. I believe the witness  
22 continues to use the singular and the prosecutor continues to  
23 use the plural.

24 THE COURT: All right. Yes. Fine.

25 BY MR. AUERHAHN:

1 Q. Did he tell you anything else about that friend who went  
2 to Iraq after the U.S. invasion?

3 A. Just that he was kind of a celebrity in his area of  
4 residence in Egypt for doing that. But beyond that, I cannot  
5 recall anything.

6 Q. Did Mr. Mehanna see him as a celebrity as well?

7 A. I believe he respected him, yes.

8 MR. AUERHAHN: Can we bring up Exhibit 662, please.

9 Q. Does this appear to be a chat between you and the  
01:06 10 defendant on July 3, 2006?

11 A. Yes, sir.

12 MR. AUERHAHN: If you would go to the next page,  
13 please.

14 Q. Could you start reading what's identified as your words  
15 starting with the "Did you lock"?

16 A. Yes, sir. "Did you lock the Shaykh Muhammad Hassan  
17 thread?"

18 Q. "Yes. I didn't want this kid to keep embarrassing  
19 himself."

01:07 20 A. "Can you unlock it for a sec so I can post a response to  
21 Abu Turaab?"

22 Q. "Sure."

23 A. "Let me know when I can post."

24 Q. "I just wish people would read a book before writing one."

25 A. "Hehehe."

1 Q. "Go ahead. But I'm going to lock it once you're done, so  
2 do it now, Allah willing."

3 A. "It is posted. Read it and tell me if you think my  
4 response is correct."

5 Q. "Excellent."

6 A. "I think some brothers are a lot of zeal, but no  
7 knowledge."

8 Q. Before we go on, when you ask him to unlock something,  
9 what are you referring to?

01:07 10 A. Excuse me?

11 Q. When you ask Mr. Mehanna to "unlock it for a sec so I can  
12 post a response to Abu Turaab," unlock what?

13 A. A thread on a forum, I believe.

14 Q. Okay. And so this was a forum over which Mr. Mehanna had  
15 some control?

16 A. Yes, sir.

17 Q. Do you know which forum it was?

18 A. If I recollect the context of the conversation, I believe  
19 it would have been Tibyan.

01:08 20 Q. Okay. I believe we stopped where you said, "I think some  
21 brothers are a lot of zeal but no knowledge."

22 The defendant says, "Muhammad Hassan. The Madaakhilah  
23 refer to him as a khariji."

24 A. Then laughing. "I was trying to get the point across that  
25 no one is saying the Shaykh Muhammad Hassan is the example of a

1 scholar in our times" --

2 Q. Continue, please.

3 A. -- "but he isn't some evil faasiq or palace scholar and  
4 his mistakes are minor and we shouldn't split hairs over such  
5 stupid things."

6 Q. "Those two brothers that I know in Egypt, who went to IR,  
7 they went because of him."

8 A. "He also does good from what I know. Obviously, I cannot  
9 blame him for not openly denouncing the ruler."

01:09 10 Q. "Well, I can tell you that he does."

11 What was your understanding when he said "two brothers in  
12 Egypt who went to IR"?

13 A. "IR" would refer to Iraq.

14 Q. Okay. And here he says "two brothers." Not one?

15 A. That's what it says there, yes, sir.

16 Q. And do you have a current memory that it was only one, not  
17 two?

18 A. I don't recollect that, sir.

19 Q. Okay. And this doesn't refresh your recollection as to  
01:09 20 perhaps it was two?

21 A. It does not, sir.

22 MR. AUERHAHN: Okay. Next page, please.

23 Q. "But not" -- "Well, I can tell you that he does but not in  
24 a specific manner. There are ways to do it that can help you  
25 unnecessarily avoid jail as long as people get the hint, which



1 they most definitely have, in Egypt. Trust me. I just don't  
2 see how someone who stood up right after 9/11 called Osama a  
3 hero" --

4 A. "Yeah."

5 Q. -- "and called the people with him a hero -- heros -- how  
6 such a person can be a scholar of the ruler."

7 A. "Meaning some implicit approval of their method?"

8 Q. "Well, explicit, heh?"

9 A. "Which aims to remove the Arab tyrant rulers."

01:10 10 Q. "Also in his lectures about 9/11" --

11 MR. AUERHAHN: Next page, please.

12 Q. -- "I mean, come on. He cracks jokes about how he was in  
13 the Towers before they were taken down, of course. He was one  
14 of the few in Egypt who supported it openly."

15 A. "Obviously, he isn't an Abu Muhammad al-Maqdisi."

16 Q. "Like you said, people are of levels."

17 MR. AUERHAHN: Can we go to Exhibit 651, please.

18 Q. Does this appear to be a chat between you and the  
19 defendant on February 5th, 2006?

01:11 20 A. Yes, sir.

21 MR. AUERHAHN: Can we go to page 6, please?

22 Q. The defendant says, "I just sent some friends of mine in  
23 Egypt the pics of us at the GRZR, and they were like, 'Who are  
24 these terrorists?'"

25 A. "LOL."

1 Q. "They were joking, of course. They themselves were in  
2 RFDN."

3 Before we move on to the next page, "GRZR," is that Ground  
4 Zero?

5 A. Yes, sir.

6 Q. Do you know which pictures he's referring to?

7 A. I do, sir.

8 Q. What pictures?

9 A. There are, I believe, two or three different ones, but  
01:11 10 they consist of either myself, him, or Mr. Aboubakr at the site  
11 in New York.

12 Q. And when he says, "They were joking, of course. They  
13 themselves were in RFDN," what does that refer to?

14 A. That would be referring to Iraq.

15 Q. So these are the Egyptian friends that went to Iraq?

16 A. Presumably.

17 MR. AUERHAHN: Next page, please.

18 A. "I think it was Muawiyah who I showed those pictures to.  
19 He thought we all looked half asleep."

01:12 20 MR. AUERHAHN: Can we have Exhibit 354, please.

21 Q. Sir, do you recognize this to be an email from you, Daniel  
22 Spaulding, to the defendant, Tarek Mehanna, and a few other  
23 people?

24 A. Yes, sir. That was the email address I used at the time.

25 Q. Okay. Can you tell us who these other people are besides

1 Tarek Mehanna, ibnul\_khattab82?

2 A. Tauqir Zaidi and Ali Aboubakr.

3 Q. And the email reads, "I finally have the NYC pictures  
4 uploaded. There is some 33 pictures altogether." And then  
5 there is, "Greetings, Daniel."

6 A. Yes, sir.

7 Q. And these are the pictures from your visit to Ground Zero?

8 A. Some of them would have been, presumably.

9 Q. Okay. Well, the second one is identified as Ali\_Dan\_and  
01:13 10 Tariq.jpg, correct?

11 A. Yes, sir.

12 Q. And that's a name that you attached to it before you  
13 emailed them?

14 A. I don't recall what name I would have attached.

15 Q. But this --

16 A. Presumably, yeah.

17 Q. This is an email you wrote?

18 A. Yes, sir.

19 Q. Okay. So the contents of the email came from you?

01:13 20 A. Yes, sir.

21 Q. Okay. So let's show this particular photograph. It's  
22 Exhibit B, which is Ali, Dan and Tarek. Is that Ali, Dan and  
23 Tarek?

24 A. Yes, sir.

25 Q. You're in the middle?

1 A. Yes, sir.

2 Q. The only one who's not smiling?

3 A. Yes, sir.

4 Q. Okay.

5 MR. AUERHAHN: Can we go back to Exhibit 354, page 1,  
6 please.

7 Q. And this one says Ali and Tarek?

8 A. It does, sir.

9 Q. That would be Aboubakr and Mehanna?

01:14 10 A. Yes, sir.

11 MR. AUERHAHN: Can we go to C, please.

12 Q. And that, again, is the defendant and Mr. Aboubakr?

13 A. It is, sir.

14 MR. AUERHAHN: Can we go back to 354, but page 3,  
15 please.

16 Q. This one is Tarek and Dan?

17 A. Yes, sir.

18 Q. So that would be you and the defendant?

19 A. It would be, sir.

01:14 20 MR. AUERHAHN: Can we go to Exhibit O, please.

21 Q. And, again, that's you and the defendant, correct?

22 A. Yes, sir.

23 MR. AUERHAHN: Can we go back to page 3, please.

24 Q. And this one's entitled: "What's missing?"

25 A. Yes, sir.

1 Q. Correct?

2 A. It is, sir.

3 MR. AUERHAHN: Let's go to Exhibit Q, please.

4 Q. So what's missing?

5 A. The World Trade Center, sir.

6 Q. Let me ask you a few questions about Mr. Aboubakr. How  
7 would you describe his involvement with your group?

8 A. He was someone that we would hang out with at times, sir.

9 Q. Okay. What was his position with reference to the  
01:15 10 Salafi-Jihadi philosophy and rhetoric?

11 A. He was someone who was interested in learning a lot about  
12 the religion. And I wouldn't necessarily say he was a  
13 jihadist, but he was a Salafi.

14 Q. Okay. Did Mr. Mehanna ever express any concern about  
15 Mr. Aboubakr?

16 A. Just that he kind of thought he was immature and he might  
17 possibly -- he believed he would be someone you couldn't  
18 necessarily talk to too much because he could talk outside of  
19 appropriate environments.

01:16 20 Q. So he was someone in front of whom you had to be a little  
21 careful?

22 A. Excuse me?

23 Q. He was someone in front of whom you had to be a little  
24 careful?

25 A. Just conscientious of your words.

1 Q. Okay. Did Mr. Mehanna ever talk about any influence he  
2 has on Aboubakr?

3 A. Just that they would talk a lot about different Islamic  
4 books. I know he would send Mr. Aboubakr -- he would send to  
5 him different Hadith and that they would comment on them and  
6 things to that effect.

7 Q. What about things related to jihad?

8 A. I don't recall any specific conversations that he had with  
9 Ali about jihad, sir.

01:17 10 MR. AUERHAHN: May I approach, your Honor?

11 6/23/10, page 2, second paragraph.

12 Q. Would you read that and take a look at the yellow  
13 highlighting?

14 A. (Witness complies.)

15 Q. Sir, does that refresh your recollection as to  
16 Mr. Mehanna's attitude towards Mr. Aboubakr on the issue of  
17 jihad?

18 A. It does not, sir.

19 Q. Now, do you know what a jihadi video is?

01:18 20 A. Yes, sir.

21 Q. Can you describe what a jihadi video is?

22 A. It would be an online video clip, sometimes in VHS form,  
23 but usually on an online forum, of certain -- a recording of a  
24 particular attack, or something of that nature, by a Muslim  
25 group against the specific -- the opposing force in which they

1 were fighting.

2 Q. Okay. And did you watch jihadi videos as a group?

3 A. Yeah, there were a few occasions that I can recall.

4 Q. With whom?

5 A. At different times with different people, sir.

6 Q. Well, why don't you tell us about those different times  
7 with different people.

8 A. I recall with Ahmad watching some of the ones related to  
9 Iraq; and with Tarek, I remember -- mostly the one that stands  
01:19 10 out is a Bosnia video.

11 Q. Any others?

12 A. Nothing that stands out in my mind at the moment, sir.

13 Q. How about the 9/11 tribute video we talked about  
14 yesterday, sir?

15 A. I don't recall watching that with another person, sir.

16 Q. Okay. Did you discuss with Mr. Mehanna his theory of  
17 progression?

18 A. Excuse me?

19 Q. Did you discuss with Mr. Mehanna his theory of  
01:20 20 progression?

21 A. Progression of?

22 Q. In terms of educating people.

23 A. Yeah, we would talk about things of that nature, you know,  
24 in terms of explaining the entire religion to people, that you  
25 start with certain steps and work your way up.

1 Q. What about in terms of the jihadi mindset?

2 A. In a very general sense I believe there were conversations  
3 to that effect.

4 Q. And why don't you describe those conversations.

5 A. Just that you kind of have to have a -- because it's a  
6 controversial topic, so that people would kind of have to be  
7 brought -- you know, build up a certain foundation before you  
8 can just start talking to them about issues like jihad.

9 Q. And when you say "issues about jihad," what do you mean by  
01:21 10 that?

11 A. Like it's a necessity and obligation and such.

12 Q. And would videos be utilized as part of this progression?

13 A. They would be watched but I don't -- they would kind of  
14 be -- you know, create some enthusiasm, yeah.

15 Q. So the purpose of watching these videos was to create  
16 enthusiasm?

17 A. For the mujahideen and such, yes, sir.

18 Q. And you mentioned about Bosnia and Chechen and -- videos  
19 from Chechnya. Would there be a higher level involving videos  
01:21 20 from Iraq?

21 A. On whose part, sir?

22 Q. Mr. Mehanna.

23 A. I think he commented to the effect that it's easier for  
24 people new to the subject to see things more like Bosnia and  
25 Chechnya because there's less controversy surrounding them.



1 Q. And once he got past those lower levels, was then the Iraq  
2 videos introduced?

3 A. I suppose that possibility was there, sir.

4 Q. Well, did he say that to you?

5 A. I don't recollect, sir.

6 MR. AUERHAHN: May I approach, your Honor?

7 THE COURT: All right.

8 MR. AUERHAHN: 6/29/10, page 5, second paragraph.

9 BY MR. AUERHAHN:

01:23 10 Q. Now, does that refresh your recollection as to what he  
11 said about the progression leading to the Iraqi videos?

12 A. It does not, sir.

13 Q. You don't recall having a conversation with the FBI in  
14 June of 2010 about that?

15 MR. CARNEY: I object.

16 THE COURT: That question is all right.

17 You may answer that.

18 THE WITNESS: I don't recall that conversation, sir.

19 BY MR. AUERHAHN:

01:23 20 Q. Now, in terms of -- you already said that the videos were  
21 meant to -- again, I apologize, I forget the word you used --  
22 but to create enthusiasm or inspire?

23 A. Something to that effect, yes, sir.

24 Q. Okay. And when you were watching the videos with either  
25 Mr. Abousamra or Mr. Mehanna, did you talk about that fact,

1 that it was inspiring or energizing?

2 A. In a general sense.

3 Q. In a general sense the answer is yes?

4 A. Yes, it would create -- yes.

5 Q. Now, you mentioned a couple of different videos and -- how  
6 about "State of the Ummah." Have you heard about that?

7 A. Yes, sir.

8 Q. Okay. What is "State of the Ummah"?

9 A. If I recall correctly, it contains different scenes of  
01:24 10 Muslims allegedly being oppressed, and interlaced with  
11 different speeches and talks by Osama bin Laden as I recall.

12 Q. Okay. And do you recall either watching or discussing  
13 this particular video with the defendant, Mehanna?

14 A. I believe I discussed it with him, yes, sir.

15 Q. Okay. And do you recall the discussion you had with him?

16 A. Not the parameters of it, no, sir.

17 Q. Do you recall watching it with him?

18 A. I do not recall watching it with him, no, sir.

19 Q. Do you recall him having any, quote/unquote, movie nights  
01:25 20 at his house where you'd watch jihadi videos?

21 A. The only instance I can -- that stands out clearly in my  
22 mind was the one I mentioned to you about the Bosnia video.

23 MR. AUERHAHN: Okay. Can we have Exhibit 649, please.

24 Q. Now, does this appear to be a chat between you and the  
25 defendant on February 1, 2006?

1 A. It does, sir.

2 Q. Okay. After the greetings, can you start reading with,  
3 "Do you know Shaykh Isa"?

4 A. "Do you know Shaykh Isa al-Awshin is?" *[sic]*

5 Q. "Of course."

6 A. "Tibyan has some of his articles but I'm not sure who he  
7 is."

8 Q. "Yeah. He was one of the editors of Sawt al-J magazine."

9 A. "In SA?"

01:26 10 Q. "Ya."

11 A. "He got slain?"

12 Q. "Ya?"

13 A. "How long ago?"

14 Q. "Two years or so."

15 You already told us what Tibyan is. What's Sawt al-J, the  
16 magazine?

17 A. I believe, as I recall, it was some online magazine  
18 published by al Qa'ida's Saudi Arabian branch.

19 MR. AUERHAHN: Can we go to page 3, please?

01:27 20 Q. "Some bro from TP just asked me if you could include the  
21 reference to TP if you post their articles on RI."

22 A. "Sure. I thought I had, but I'll go back and check. Tell  
23 them it was an accidental oversight on my part and I'm  
24 correcting it."

25 Q. "Okay. Cool."

1 A. "There. Should be all set now, God willing."

2 Q. Does this sound like a conversation Mr. Mehanna had with  
3 Mr. Abu Mu'ndhir that we read earlier?

4 A. It's possible.

5 MR. AUERHAHN: Can we go to page 9, please? I'm  
6 sorry -- yes, 9.

7 Q. Can you start reading what's attributed to you, please?

8 A. Yes, sir. "I'm talking to Shukri. That is what I meant."

9 Q. "Online?"

01:28 10 A. "On the phone."

11 Q. "Give him my greetings."

12 A. "Sure. Are you going to be around Friday night in  
13 Sharon?"

14 Q. "Possibly. I will try to make it, Allah willing. I was  
15 talking with Abu Dawud. He is starting to see things the right  
16 way."

17 A. "I noticed. I've been working on Hamza P. and Insaf  
18 myself."

19 Q. "I lent him the 'State of the Ummah, Islamic Nation' CD,  
01:28 20 and after he saw it he told me, 'Things are much clearer now.'"

21 A. "I've been sending them stuff by Shaykh Hammoud al-Ugla  
22 and Abu Muhammad al-Maqdisi. Nothing too over the top."

23 Q. "Yeah, just the basics. Simple, easy to digest stuff."

24 A. "I sent them my Millah Ibrahim, 'Religion of Ibrahim.'  
25 Hamza seemed interested."

1 Q. Well, first of all, you said, "I'm talking to Shukri."  
2 Who's Shukri?

3 A. That was a joking name that we gave to Ahmad Abousamra.

4 Q. Okay. And then the defendant said, "I was talking to  
5 Abu Dawud. He is starting to see things the right way." Who  
6 is Abu Dawud?

7 A. That would presumably be Ahmad Abu Dawud.

8 Q. And what did you understand "he is starting to see things  
9 the right way"? What things? What way?

01:29 10 A. The world view.

11 Q. The Salafi-Jihadi world view?

12 A. I don't know if that's the specific term to give it but,  
13 yeah, something to that effect.

14 Q. Okay. And when you said --

15 MR. CARNEY: May I have a moment, please, your Honor?

16 THE COURT: All right.

17 (Counsel confer off the record.)

18 MR. CARNEY: Excuse me.

19 MR. AUERHAHN: Ready?

01:29 20 MR. CARNEY: Yes.

21 BY MR. AUERHAHN:

22 Q. And when you said, "I've been working on Hamza P. and  
23 Insaf myself," can you explain to us what you meant by that?

24 A. Introducing them to that certain world view.

25 Q. So were you trying to win them over to the Salafi-Jihadi

1 world view?

2 A. The Salafi world view, yes, sir.

3 Q. Well, when the defendant responds, "I lent them 'State of  
4 the Ummah,'" you just said "State of the Ummah" is an al Qa'ida  
5 video production, correct?

6 A. Yes, sir.

7 Q. So that would be jihadi, not just Salafi, correct?

8 A. That particular video, yes, sir.

9 Q. So you're talking about Salafi-Jihadi here and not just  
01:30 10 Salafi?

11 A. It encompasses more than that, though, and then -- towards  
12 the end of that conversation, it's indicated there.

13 Q. But it's clear "State of the Ummah" is an al Qa'ida video.

14 A. I believe they were the ones who produced it, yes, sir.

15 Q. Okay. And so when the defendant said, "I lent him the  
16 'State of the Ummah,'" do you know if he's referring to Abu  
17 Dawud or Hamza or Insaf?

18 A. Presumably Abu Dawud.

19 MR. AUERHAHN: Next page, please.

01:31 20 Q. Can you read your portion, please?

21 A. "I email them (and Abu Dawoud and Mexican Hamza) all that  
22 stuff (low-scale, nothing that would get them or me in trouble)  
23 I have got favorable responses."

24 Q. "Excellent. Like, what stuff you send them?"

25 A. "Like I mentioned, Hamood al-Uqla, al-Maqdisi, Saalhi

1 al-Munajjid, al-Khudayr, Abdul-Qadir bin Abdul Aziz, stuff on  
2 democracy, modernism, 'terrorism,' et cetera. They all say to  
3 keep it coming."

4 MR. AUERHAHN: Could you go to page 15, please.

5 Q. Would you start reading there, please?

6 A. "Maybe we can go see Abdulmajid or something. Allah  
7 willing, I will see you Friday night and we can talk."

8 Q. "Okay."

9 A. "Along with Hamza, Abu Dawoud and Shukri."

01:32 10 Q. "Haha. A/k/a 'The Shukri Brigades'?"

11 A. "Yes."

12 Q. Continue, please.

13 A. Excuse me. "They outdo the Abu Hafs al-Misri Brigades any  
14 day.

15 Q. "Without a doubt. Hehe. Okay, man, I'm out. Peace be  
16 upon you."

17 What's the Abu Hafs al-Misri Brigade?

18 A. I think they were some kind of phantom internet group that  
19 would always claim, you know, responsibility for terrorist  
01:32 20 attacks or weird, like, power outages and stuff of that nature.

21 Q. Okay.

22 MR. AUERHAHN: Can we have Exhibit 663, please.

23 Q. And does this appear to be a chat between you and the  
24 defendant on July 4, 2006?

25 A. Yes, sir.

1 MR. AUERHAHN: Can you go to page 3, please.

2 Q. Okay.

3 A. "On Thursday, what time do you start?"

4 Q. "Six."

5 A. "With Tauqeer, I mean."

6 Q. "Okay." I'm sorry.

7 A. "Okay. Allah willing, I'm going to come with Tahreem.

8 Does Hamza P. still go?"

9 Q. "Yup."

01:33 10 A. "Is Bilaal usually there?"

11 Q. "Yes."

12 A. "Ask him about Mahdee Bray."

13 Q. "I love asking him about those types of people. He always  
14 has the best responses."

15 A. "Who have you asked him about?"

16 Q. "Hamza Yusuf."

17 Who's Bilaal?

18 A. He was -- he is presumably an African-American Muslim  
19 convert who was active in the Boston area.

01:34 20 Q. Was he a Salafi-Jihadi?

21 A. No, sir.

22 Q. And who is Mahdee Bray?

23 A. He is a spokesperson, or something to that effect, for the  
24 Muslim American Society.

25 Q. What did Mr. Mehanna think about the Muslim American



1 Society?

2 A. He did not have a high opinion of them.

3 Q. To say the least?

4 A. Yes, sir.

5 MR. AUERHAHN: Next page, please.

6 Q. "Zayd Shakir, Mahdi Bray, all the Sufi types."

7 A. "What does he say about them?"

8 Q. "Well, you know about Mahdee Bray comment. 'I'd rather  
9 have hot wax put into my ears' regarding Shaykh Hamza. He was  
01:34 10 the first one I heard to refer to him as Hamza Useless."

11 A. "What did he say about Zayd Shakir?"

12 Q. "I think he called him an idiot."

13 A. Then I laugh.

14 Q. "It's not just what he says" --

15 A. "Very accurate."

16 Q. -- "it's how he says it. The way he wrinkles his nose and  
17 just shakes his head. Ask him."

18 A. "The contempt."

19 Q. "You'll see what I mean."

01:35 20 A. "LOL. I have seem him talk about Mahdee Bray. Does he  
21 speak about people like Yasir Qadhi or does he remain silent  
22 about them? At least to you."

23 Q. "I've never heard him speak about him."

24 A. "Do you think he's softening up?"

25 Q. "He has somewhat. But once in a while" --

1 A. "That those brothers may change."

2 Q. -- "I still see remnants of the old method, but there is  
3 definitely potential for change, I mean. For them to let  
4 someone who they called the Reviver of the Khawarij' give talks  
5 in their center should prove something."

6 A. "Maybe they think you have changed."

7 Q. "I never gave them any indication of that. I still talk  
8 about the mujahideen in front of them."

9 A. "Which ones? Like the Tlbn?"

01:35 10 Q. Okay. That's Taliban?

11 A. Yes.

12 Q. And you're talking about people changing in reference to  
13 their view on Salafi-Jihadi?

14 A. Not that specifically, no, sir.

15 Q. What are you talking about people changing?

16 A. Most of them were followers of the  
17 Saudi-government-sponsored branch of the Salafi movement. So  
18 they were very adamantly and often viciously opposed to anyone  
19 that was outside of their group or had disagreed with them  
01:36 20 about any issues outside of their group. So the fact that they  
21 were letting in someone who was open that he disagreed with  
22 them on certain issues was a sign that they were kind of  
23 opening up in a very, very broad, general sense.

24 Q. And Mr. Mehanna says, "I still talk about the mujahideen  
25 in front of them."

1 A. Yes, sir.

2 MR. AUERHAHN: Next page, please?

3 Q. "I mentioned Juhayman" --

4 A. "Or just the Chechens?"

5 Q. -- "and how he wasn't wrong, et cetera, et cetera.

6 Obviously, I'm not going in there with 'I Love Shaykh Osama'  
7 shirt on."

8 A. "Hehehe. What about 'I Hate al-Saud'? LOL."

9 Q. "You gotta get that concept into them slowly and wisely,  
01:37 10 lay down the basics and keep emphasizing the ruling on such  
11 people."

12 A. "I (L) Sayyid Qutb."

13 Q. "In a general sense then, when the time is right, switch  
14 it over to the correct opinion on those people. But to just go  
15 in there from day one guns blazing" --

16 A. "I know, brother. I am just kidding."

17 Q. -- "you won't accomplish anything."

18 A. "Does Bilaal still like ash-Shaykh Hamood ibn al-Uqlaa?"

19 Q. "I doubt it. "Hehe. But one of these days I want to  
01:37 20 bring up 9/11 so I can respond with Uthaymin's legal opinion  
21 and see what he says."

22 Are you talking here about Mr. Mehanna's thoughts about  
23 progression?

24 A. I don't know if it would fit into that specific context,  
25 sir.

1 MR. AUERHAHN: Next page, please.

2 Q. Can you start where it says, "That Muhammad Hassan  
3 lecture"?

4 A. "That Muhammad Hassan lecture, do you think I should make  
5 copies and distribute it for some of the Arabic-speaking  
6 brothers?"

7 Q. No, because it is very general. Nothing that they don't  
8 already know. He just talks about the virtues of jihad and  
9 martyrdom and the rulings on jihad, and the reason he gave it,  
01:38 10 well" --

11 MR. AUERHAHN: Next page, please.

12 Q. -- "he gave it right before the Iraq war started, and he  
13 said in the lecture that he was receiving over 5,000 phone  
14 calls a week asking for the ruling on going to Iraq, so he gave  
15 this lecture as an answer to everyone."

16 A. "I mean for some of the more older Arab brothers" --

17 Q. "Ah, why not?"

18 A. -- "like Abu Shukri? 'Don't listen to MAS or Bosuyni,  
19 listen to this...'"

01:39 20 MR. AUERHAHN: Exhibit 667, please.

21 Q. Does this appear to be a chat between you and the  
22 defendant on July 15, 2006?

23 A. Yes, sir.

24 MR. AUERHAHN: Can we go to page 3, please.

25 Q. Could you start with "I found the video"?

1 A. "I found the video of the hypocrite. He turned in the  
2 Canadian brothers."

3 Q. And you send a link to the Canadian broadcasting, the CBC?

4 A. Yes, sir.

5 Q. Do you recall just in this part of the chat, what this is  
6 about?

7 A. I believe that there were several young men in Canada a  
8 while back who were arrested for allegedly conspiring to commit  
9 acts of terrorism in Canada and that they were -- the lead  
01:40 10 character against them was somebody who had infiltrated them  
11 and was working with the government all along.

12 Q. Okay.

13 MR. AUERHAHN: Next page, please.

14 Q. "You know who he reminds me of, his face? Islam Karimov."

15 A. "Yes, a younger version. He brags about helping the  
16 Canadian intelligence and then claims to have good Islamic  
17 'foundation.'"

18 Q. "May Allah allow him to be raped by someone who has a good  
19 foundation of STDs."

01:40 20 A. "Amen. And may that beard be ripped from his face one  
21 hair at a time."

22 Q. "Amen."

23 A. "Filthy hypocrite. He says a divine hand was behind all  
24 his activities."

25 Q. "Yes. And it shall be the same divine hand that will drag

1 him on his face into hell."

2 A. "God willing."

3 Q. "People like this make me feel good about myself."

4 A. "It shows you what kind of rats are in our communities. I  
5 can just imagine someone like that around here. Piece of  
6 trash."

7 MR. AUERHAHN: Exhibit 665, please.

8 Q. And does this appear to be a chat between you and the  
9 defendant on July 12, 2006?

01:41 10 A. Yes, sir.

11 MR. AUERHAHN: If we could go to page 2 first.

12 Q. "Abu D will be there tomorrow."

13 A. "Really. Another pretrial hearing" --

14 Q. "No. Abu Dawud."

15 A. -- "or the start of the trial?"

16 Q. "Will be at the Da'wah Center."

17 A. "Oh, I thought you meant Abu Duj."

18 Q. "No. Abu Duj is on the 14th, his hearing."

19 The defendant was talking about Abu Dawud, correct?

01:42 20 A. Initially, yes.

21 Q. And you thought he was talking about someone named Abu  
22 Duj, D-U-J?

23 A. Yes, sir.

24 Q. And who is that?

25 A. The full name would have been Abu Dujana. He was a -- I

1 believe he was a British citizen who was arrested for some  
2 terrorism-related charges in the U.K.

3 Q. And how did you and the defendant know Abu Dujana?

4 A. He was on many of the same forums that we had been on.

5 Q. Okay. And so when you're talking about pretrial hearing,  
6 you're talking about in connection with a criminal case in the  
7 U.K.?

8 A. Presumably, yes.

9 Q. Did you ever learn his true name?

01:42 10 A. I was told it at some point, but I don't recall what it  
11 was at this point.

12 MR. AUERHAHN: If you would go to page 4, please.

13 Q. Can you start reading where you say, "So you're going to  
14 talk to Bilaal tomorrow about" -- go on.

15 A. "So you're going to talk to Bilaal tomorrow about abd  
16 al-Majeed. Yo, you still there?"

17 Q. "Ya. Yo. Sorry. I was away. Yeah, Allah willing."

18 A. "Daydreaming about Saddam?"

19 Q. "I will talk to him about him. I am not worthy of  
01:43 20 daydreaming about Abu 'Udayy."

21 A. "Like meeting him and shaking his hand? Do you think that  
22 the website of Shaykh Mohammed Hassan is something I should  
23 send to Esmail?"

24 Q. "You have the link?"

25 A. "Yes."

1 Q. "Send it here."

2 A. And then I post the link.

3 Q. Go on.

4 A. I post the link, then it's comments from, "Yeah, do it."

5 Then I post another link. "Review it first."

6 Q. "They took off his legal opinion about 9/11."

7 A. "That is fine. Tibyan has it in both English and Arabic.

8 I just mean the website in general. What topics does it

9 discuss?"

01:43 10 Q. "The Hamud site?"

11 A. "Yes."

12 Q. "Creed stuff, ruling by other than Shari'ah, aiding the  
13 disbelieving, et cetera."

14 MR. AUERHAHN: Next page, please?

15 Q. "Nothing extreme."

16 A. "Good stuff. And Hassan's website?"

17 Q. "Yeah."

18 A. "Is it any good?"

19 Q. "Yeah."

01:44 20 A. "Does he talk about relevant stuff?"

21 Q. "Yes. The second lecture listed is one called 'Youth of  
22 the World Cup' and 'Youth who Taught the World.'"

23 A. "Hehehe."

24 Q. "It's all about jihad. Just listen to it. Even if you  
25 don't understand. He's very fiery in it."



1 A. "I figure go with some 'softer' figures like Mohammed  
2 Hassan or Shaykh Hammoud al-Uqlaa, then move to Shaykh Abu  
3 Basir after a few months, and then finally someone like Abut  
4 Muhammad al-Maqdisi. What do you think?"

5 Q. "Excellent plan."

6 Before we move on, is this part of the progression of  
7 moving up to more radical jihadi scholars?

8 A. Not necessarily on just jihad issues, but yes.

9 Q. These are --

01:45 10 A. More controversial as you move up, yes, sir.

11 Q. Okay. And then a link is sent.

12 "That is the lecture. A few minutes into it he gets  
13 loud?"

14 A. "I sense that Esmail is a good brother and has good  
15 intentions."

16 Q. "Yeah, he just needs method."

17 A. "But he is influenced by the irj'aa so prevalent in our  
18 times."

19 Q. "Yeah."

01:45 20 A. "So if he hears the correct method from some respected  
21 scholars, it might influence him in the correct direction, God  
22 willing."

23 Q. "Exactly."

24 The top of next page: "It just takes time."

25 MR. AUERHAHN: Exhibit 669, please.

1 Q. Does this appear to be a chat between you and the  
2 defendant on July 28, 2006?

3 A. Yes, sir.

4 MR. AUERHAHN: Go to page 2, please.

5 Q. You can start reading.

6 A. "Ebrahim and I want to meet with you before you both leave  
7 for Egypt."

8 Q. "I have work at 11 p.m. but I'm free before that."

9 A. "Okay. I will call you tomorrow, God willing. Esmail was  
01:46 10 really impressed with Shaykh Hammoud al-Uqlaa for the link I  
11 sent."

12 Q. "Really?"

13 A. "Yes."

14 Q. "Good. Now send him the 9/11 legal opinion."

15 A. "Hehehe. I save that for another time, God willing."

16 Q. And the Esmail in the link, that was a reference to the  
17 previous chat?

18 A. Presumably, yes.

19 MR. AUERHAHN: The next page, please.

01:46 20 A. Excuse me?

21 Q. I asked Mr. Bruemmer for the next page, please.

22 Okay. If you could start reading there?

23 A. "Oh, Esmail was also praising Khattab and A. Azzam."

24 Q. "Heh, nice. What was the context?"

25 A. "Just praising their character and saying that they were

1 good examples of Muslims in our times."

2 Q. "We should get Esmail a TP account."

3 A. "Well, I don't know about that, but I think he is headed  
4 in the right direction, God willing."

5 Q. And a TP account. What's "TP"?

6 A. Presumably, Tibyan Publications.

7 Q. And "headed in the right direction," the right direction  
8 being towards TP?

9 A. Towards having the right world view.

01:47 10 Q. Salafi-Jihadi?

11 A. If that's what you want to call it.

12 Q. What do you want to call it?

13 A. The context -- it goes beyond jihad. It includes, you  
14 know, politics and social institutions and, you know, a lot of  
15 the stuff we talked about was not necessarily jihad related,  
16 but, for example, what's the correct position on democracy,  
17 what's the correct position on modernism, et cetera, et cetera.

18 MR. AUERHAHN: Could we go back to the previous page?

19 Q. "9/11 fataawa," that's the attacks on 9/11?

01:48 20 A. Yes, sir.

21 Q. All right. And earlier -- excuse me. In the previous  
22 chat where you were talking about something that was -- you  
23 should listen to that's all about jihad, that's not democracy;  
24 that's jihad, right?

25 A. Presumably, yes, sir.

1 MR. AUERHAHN: Can we have Exhibit 654, please.

2 Q. And this appears to be a chat between you and the  
3 defendant on February 12, 2006, correct?

4 A. Yes, sir.

5 Q. Can you start reading, please?

6 A. "Are you familiar with the person who posts under the name  
7 al-Zarqawi" --

8 Q. "Yes."

9 A. -- "on Tibyan and RI? I am led to understand that this is  
01:49 10 a person to avoid. Have you heard this?"

11 Q. "Yes."

12 A. "Is it true?"

13 Q. "I don't know, but that's what I heard."

14 A. "A Tibyaan brother posted a warning about him on 'Reviving  
15 Islam.' All the RIers are nervous that he, al-Zarqawi," as  
16 well as those other user names, "is some sort of spy. I heard  
17 that he taunted the moderators on Tibyan, that they could not  
18 stop him and that he would" -- I meant to say "steal passwords,  
19 et cetera.

01:49 20 "Shaykh Abdullah el-Faisal will be getting out of jail  
21 soon, God willing."

22 MR. AUERHAHN: Next page, please.

23 Q. "Brother, don't reveal everything online" --

24 A. "I know."

25 Q. -- "that can be used against you."

1 A. "But these are publicly available talks" --

2 Q. "Yeah, but still, that doesn't matter these days."

3 A. -- "against the Shee'ah and stuff. Not peanut butter and  
4 jelly stuff. But I understand your point. May Allah reward  
5 you for it."

6 Q. What's "peanut butter and jelly stuff"?

7 A. A kind of joking reference to jihad.

8 Q. Okay.

9 MR. AUERHAHN: Can we go to page 6, please.

01:50 10 Q. First on the bottom of the page, you say, "MAS, CAIR,  
11 ISNA, and the rest of these organizations are so out of touch  
12 with the rest of the Ummah nation." What is MAS, CAIR, and  
13 ISNA?

14 A. MAS is the Muslim American Society, CAIR is the Council on  
15 American Islamic Relations, and the ISNA is the Islamic Society  
16 of North America.

17 MR. AUERHAHN: Next page, please.

18 Q. Could you continue reading, please?

19 A. "While the rest of the Ummah from Palestine, Lebanon and  
01:51 20 Syria, to Iran and Afghanistan, to Indonesia and even Britain  
21 were showing their anger for Allah's sake and their enmity for  
22 the disbelievers, these American organizations aside from a  
23 token condemnation of the cartoonists, were completely  
24 indifferent and have only mobilized to denounce the Muslims,  
25 not the Danish or the European governments, and seek to have

1 dialogue with the Danes and urge forgiveness and turning the  
2 other cheek."

3 Q. "Brother" --

4 A. "I swear, these organizations have no honor whatsoever."

5 Q. -- "you cannot seek to turn an effeminate person into a  
6 man by injecting him with testosterone. A homo is a homo."

7 A. "They're hypocrites and opportunists. Exactly."

8 Q. "Continue reading, please."

9 A. "The disbelievers make very clear their hatred and  
01:51 10 animosity for us so why are these groups so hesitant to respond  
11 in kind?"

12 MR. AUERHAHN: Next page, please?

13 Q. Can you continue reading, please?

14 A. "Any thoughts or words of advice in this aspect?"

15 Q. "Well, as for anything that can gain us practical results,  
16 I honestly think that our only option is to take advantage in  
17 this upped interest in the prophet."

18 A. "No, I mean to the MAS-influenced youths."

19 Q. MAS, as in M-A-S?

01:52 20 A. Yes, sir.

21 Q. "Oh, I believe it's called a baseball bat."

22 A. "Honestly, brother. I would really like to. May Allah  
23 protect me from that. It is so frustrating. It wouldn't be  
24 such a big deal if there was only a few of these types of  
25 people. But, unfortunately, they have a monopoly on the youth

1 in the Greater Boston area. So no immediate suggestions come  
2 to mind?"

3 Q. "Aside from a call to Islam? What else can you do to  
4 them?"

5 A. "Is there like a few open brothers that we can work on,  
6 some who haven't been totally brainwashed just like we've been  
7 working with A A-D" -- presumably, Abu Dawud -- "and HP," Hamza  
8 Pelletier.

9 Q. You've translated those initials to tell us who you're  
01:53 10 talking about working on?

11 A. Yes, sir.

12 Q. Okay.

13 MR. AUERHAHN: Your Honor, do you want to take the  
14 morning break?

15 THE COURT: Fine. We'll take the morning recess.

16 THE CLERK: All rise.

17 The Court will take the morning recess.

18 (The Court and jury exit the courtroom and there is a  
19 recess in the proceedings at 11:00 a.m.)

01:53 20 (After recess:)

21 (Court and jury in at 11:24 a.m.)

22 THE COURT: Go ahead.

23 MR. AUERHAHN: Thank you, your Honor.

24 Can we pull up Exhibit 399, please.

25 Q. Sir, do you recognize this as an email sent from you to

1 Tarek Mehanna about "The Threat of Homegrown Terrorists is  
2 Real"?

3 A. Yes, sir.

4 Q. Do you remember sending this email to Mr. Mehanna?

5 A. I don't recall that, no.

6 Q. So if I were to ask you, do you remember why you sent it,  
7 would your answer also be, I don't recall?

8 A. That would be correct.

9 Q. Do you remember discussing it with Mr. Mehanna?

02:19 10 A. No immediate conversation comes to mind, sir.

11 MR. AUERHAHN: Can I have Exhibit 394, please.

12 Q. Now, sir, do you also recognize this to be an email that  
13 you sent to a number of people?

14 A. Yes, sir.

15 Q. About -- this one says, "Re: Interesting." First let me  
16 go to Page 2. Now, down here does it appear to be an email  
17 from Hamzeh?

18 A. Yes, sir.

19 Q. Is that Hamzeh Pelletier who you mentioned before?

02:20 20 A. I don't believe so, no.

21 Q. Who is this? Hamzeh who?

22 A. I don't recall his last name. He was of a Mexican origin,  
23 as I recall.

24 Q. You were included on the recipients of this particular  
25 email?



1 A. Apparently, yes.

2 Q. As was Ali Aboubakr, Hassan Masood, Insaf Masood, Ahmad  
3 Zamanian, correct?

4 A. Yes, sir.

5 Q. The email above it is a response to this email, correct,  
6 the one that you sent?

7 A. Yes, sir.

8 Q. Let me just read part of what Hamzeh said. "70 years ago,  
9 the National Socialists in Germany started talking this same  
02:21 10 line of talk about the Jews, and those silly little people said  
11 that it would only be talk and nothing more. A few years later  
12 the Germans were liquidating, as they call it, those silly  
13 little people in a fascinating industrialized process that  
14 offed sometimes up to 45,000 people in one night in one single  
15 place, the end stage of a long process that began, I might add,  
16 years earlier with minor discriminations like detaining Rabbis  
17 and their children" --

18 MR. CARNEY: I object. Could he read a little bit  
19 slowly -- more slower, please?

02:21 20 MR. AUERHAHN: Okay, sorry.

21 Q. -- "Rabbis and their children. Sound recently familiar?  
22 People said it would never happen again but take out your  
23 history books and look up Cambodia in 1975 and Rwanda in 1994.  
24 People missed warning signs before and the prophet once said  
25 that a Muslim is not bitten by the same scorpion twice. God

1 says that what is in their hearts is worse if true, and it is,  
2 arresting our Imams and their children will be nothing compared  
3 to what is to come."

4 Now, did you respond to this email -- and if we could go  
5 back to Page 1 -- by saying amongst -- saying the following:  
6 "Muslims need to wake up and see what is going on around them  
7 before it is too late. We are the proverbial frog in boiling  
8 water and that needs to change. We should never think that we  
9 are safe here from what has befallen our brothers and sisters  
02:22 10 in Iraq, Palestine, Afghanistan and elsewhere. Today, they  
11 throw six Imams off an airplane for no reason, and tomorrow  
12 they will be shooting those same people in a ditch and burying  
13 them in a mass grave. If you think I'm exaggerating, go read  
14 what happened in Bosnia."

15 Amongst the people you sent this email to was the  
16 defendant Mr. Mehanna?

17 A. Yes, sir.

18 MR. CARNEY: I would object and ask that the remainder  
19 of that message be read as well. It's one more paragraph.

02:23 20 MR. AUERHAHN: I was intending on doing that if Mr.  
21 Carney would be patient.

22 THE COURT: Okay. Go ahead.

23 MR. AUERHAHN: I didn't want to move on to the second  
24 page without --

25 THE COURT: All right. Go ahead.

1 MR. CARNEY: Sorry.

2 MR. AUERHAHN: Page 2, please.

3 Q. "I don't want to write a long and tedious ranting so I  
4 will not say much more. I just want to remind everyone of the  
5 old maxim that those who don't know or understand history are  
6 doomed to repeat it. We must never become complacent and must  
7 always be vigilant. Never let your guard down, and I advise  
8 everyone to educate themselves on these issues before it is too  
9 late."

02:23 10 Do you recall sending this email?

11 A. I don't recall sending it, no, sir.

12 Q. Now, I asked you earlier about --

13 MR. AUERHAHN: You can take that down.

14 Q. -- about peanut butter and jelly, and you said that was a  
15 word meaning Jihad?

16 A. A joking reference, yes.

17 Q. Did you use other words as substitutes for other words?

18 A. For --

19 Q. For example, "P Town," what did "P Town" mean?

02:24 20 A. That would have been, I believe, a reference to Pakistan.

21 Q. And YMCA?

22 A. I would have to see it in its context to know.

23 Q. Okay. Now -- and you will in a moment. But before we do  
24 that, I want to talk to you a little bit more about Abu Dawood.  
25 You talked about him a little bit earlier?

1 A. Yes, sir.

2 Q. Did your views and Mr. Mehanna's views about Abu Dawood  
3 change over time?

4 A. Yes, sir.

5 Q. Change in what way?

6 A. We became increasingly suspicious of him.

7 Q. Suspicious of what?

8 A. That he was a possible government infiltrator of some  
9 sort.

02:25 10 Q. You discussed this with Mr. Mehanna?

11 A. Yes, sir.

12 Q. What was the basis of your concern, as you discussed with  
13 Mr. Mehanna, that he was potentially a government informant?

14 A. He acted in certain what I would describe odd ways. He  
15 seemed very interested in the Yemen trip, asked a lot of --  
16 asked about it at inappropriate times and such. And he was  
17 always pushing rather aggressively, especially to Tarek, this  
18 idea that he needs to do something, that he needs to train,  
19 that he needs to be ready. He kind of wouldn't leave him alone  
02:25 20 about it even when Tarek kind of tried to back off from him.

21 He would be, like, persistent with emails and phone calls and  
22 such.

23 MR. AUERHAHN: Can we bring up Exhibit 650, please.

24 Q. Does this appear to be a chat between you and the  
25 defendant on February 4, 2006?

1 A. Yes, sir.

2 MR. AUERHAHN: Can we go to Page 2, please.

3 Q. Can you start reading what's ascribed to you: "Did you  
4 hear"?

5 A. "Did you hear what happened last night?"

6 Q. "Yeah."

7 A. "You talked with Ahmad?"

8 Q. "Yes. He told me about Ismail."

9 A. "Yes."

02:26 10 Q. "What happened exactly?"

11 A. "Ahmad Abu Dawood asked him about Anwar al-Awlaqi. He,  
12 Ismail, said al-Awlaqi was a kharajee."

13 Q. What's a kharajee?

14 A. An extremist sect that excommunicated other Muslims on the  
15 basis of sinful acts.

16 Q. Okay. "God bless."

17 A. "Then Ismail was talking to them, Ahmad Abu Dawood,  
18 Hamzah, Insaf, etc), about Jihad. He was adding all these  
19 nonexistent preconditions like you have to go seek knowledge  
02:27 20 first. If you don't pray the night prayers how can you expect  
21 to go on Jihad, et cetera. Ahmad/Shukri intervened and made  
22 clear that those preconditions do not even exist and said what  
23 is an obligation must be carried out without delay. Then the  
24 issue of the rulers came up. Ismail brought it up, not Ahmad."  
25 Q. "Aha."

1 A. "And Ahmad without hesitation made takfir," which is an  
2 act of excommunicating of the -- of al-Saud. That is the  
3 ruling Saudi family.

4 Q. Okay.

5 MR. AUERHAHN: Before we continue, actually, Mr.  
6 Bruemmer --

7 Q. You talked about the issue of Jihad came up, "these  
8 nonexistent preconditions." Is that a statement of your belief  
9 or Mr. Abousamra's belief or Mr. Mehanna's belief about  
02:27 10 nonexistent preconditions?

11 A. I think I was explaining Mr. Abousamra's argument at that  
12 time.

13 Q. Okay. So Ahmad Shukri is Abousamra?

14 A. Yes, sir.

15 Q. Continue down, please.

16 A. Where did we leave off?

17 Q. You talked about disbelieving of al-Saud. And then Mr.  
18 Mehanna said, "How did he bring it up?"

19 A. "Because al-Awalqi made takfir," the act of communication  
02:28 20 on them -- "of them and said that the polytheists in Jazeera"  
21 -- that's the Arabian peninsula -- "have no sanctity. So Ahmad  
22 agreed with the position of al-Awalqi. Then Ismail started  
23 saying that only the scholars [can make this act of  
24 excommunication]. Ahmad demanded that he prove his position  
25 from the Qur'an and the Sunnah. He failed to do so obviously

1 but insisted on it and then got mad because Ahmad was bringing  
2 [evidence] proof and he did not have any and stormed off."

3 MR. AUERHAHN: Next page, please.

4 Q. "Hehe."

5 A. "Then he came back over and said Ahmad was a kharajee."

6 Q. "Yeah, typical."

7 A. "And told that brothers not to sit with him. Of course  
8 Ahmad Abu Dawood didn't buy Ismail's arguments, praise be to  
9 God."

02:29 10 Q. "Good."

11 A. "Ahmad has asked Ismail if one who is not a scholar can  
12 make takfir," the act of -- the claim of disbelieving -- "of a  
13 person who claims to be a Muslim but prays to idols. He said  
14 no, only scholars could."

15 Q. "Wow."

16 A. "That brother has a lot of irj'aa."

17 Q. "Interesting. So are we not allowed to make takfir of the  
18 Jews and the Christians as well?"

19 A. "I didn't ask."

02:30 20 Q. Now, you said earlier that one of the -- one of the issues  
21 that raised concerns was Mr. Abu Dawood had a particular  
22 interest in the trip to Yemen?

23 A. Yes, sir.

24 Q. Did you discuss with Mr. Mehanna how Mr. Abu Dawood  
25 learned of the purpose of the trip to Yemen?

1 A. Not necessary the purpose, but we did -- I do recall a  
2 conversation where we discussed that he had learned about the  
3 trip.

4 Q. Okay. So you discussed with Mr. Mehanna Mr. Mehanna's  
5 concern about Abu Dawood learning about the trip?

6 A. Yes.

7 MR. AUERHAHN: Can we bring up Exhibit 655, please.

8 Q. Does this appear to be a chat between you and the  
9 defendant on February 28, 2006?

02:31 10 A. Yes, sir.

11 MR. AUERHAHN: Can we go to Page 5, please. I'm  
12 sorry, Page 4.

13 Q. "There's some stuff I want you to download."

14 A. "Send the links."

15 Q. "They are internet security programs, encryption for MSN  
16 Messenger, etc."

17 A. "Oh, I want you to watch this," and there's a link posted.  
18 "Just give me ten minutes and I will be right back, God  
19 willing."

02:31 20 Q. "Okay."

21 A. "I'm back."

22 Q. "Peace."

23 A. "Peace. Did you watch the link I sent you?"

24 Q. "Unfortunately."

25 A. "Hehehe."



1 Q. "Okay. So here's some stuff for net security."

2 A. "I didn't think he could go that low. Sure, send the  
3 links."

4 Q. And a link to MSN encryptor is sent. "Just download them  
5 in order so I can give instructions. Let me know when you do."

6 A. "Sure."

7 Q. "Okay. It worked?"

8 A. "Yes. So what does that mean?"

9 Q. "We can chat."

02:32 10 A. "Brian cannot listen in?"

11 Q. "Well, it will certainly be much harder for him to."  
12 Who's the Brian who might be listening in to your chats?

13 A. That would be a reference to the FBI.

14 MR. AUERHAHN: Would you go to Page 6, please.

15 Q. "It should say that your location is not verifiable at  
16 this time or something similar."

17 A. "All I see is an IP based in Japan."

18 MR. AUERHAHN: Next page, please.

19 Q. "Okay. Then it works. You're good to go. Praise be to  
02:33 20 Allah."

21 A. "So Brian thinks I'm Japanese now?"

22 Q. That's a reference to this IPHider that you talked about  
23 earlier?

24 A. Presumably, yes, sir.

25 Q. "Yes. Your net might be a tad bit slower but security is

1 more important."

2 A. "That's nothing new, lol. May Allah award you for it."

3 Q. "I suggest you keep it on at all times, especially when  
4 going on TP, et cetera."

5 A. "Ahmad is on and wants you to pm him because he doesn't  
6 see your name. What is the deal with Ahmad Abu Dawood?"

7 Q. Okay. And "TP" is a reference to Tibyan Publications?

8 A. Yes, sir.

9 Q. This is the Ahmad Abu Dawood we've been talking about?

02:33 10 A. Yes, sir.

11 Q. "In terms of what?"

12 A. "Ahmad just said you said not to trust him."

13 Q. "I don't mean not to trust him but I meant not to take any  
14 chances."

15 A. "No martial arts either?"

16 Q. "I'm just saying don't feel too secure with anyone."

17 A. "Of course."

18 Q. "Not him in particular but him included."

19 A. "So you wouldn't do the martial arts thing with him then?"

02:34 20 Q. "I don't know. I was doing it before. At least if you do  
21 it, do it just for sport, not for anything else, if you catch  
22 my drift."

23 A. "Yes. Maybe I'll just find another avenue if you think  
24 it's not worth the risk."

25 Q. "Look, I'm not trying to rouse suspicion. I'm just saying

1 be smart." When he says, "Not for anything else, if you catch  
2 my drift," you said "yes." His drift is what? Preparing for  
3 Jihad?

4 MR. CARNEY: I object.

5 THE COURT: Sustained. You may have the "what."

6 A. Presumably to have that physical preparation.

7 Q. For what?

8 A. Something like Jihad.

9 MR. AUERHAHN: Next page, please. Continue please.

02:35 10 A. "I always practice a little takiyyah," which is to hide  
11 one's belief, "around those I don't really know. There's only  
12 a few people that I trust enough to be completely open with."

13 Q. "The only people I trust are you and Ahmad, period."

14 A. "I also trust Ali."

15 Q. And "Ali" is who?

16 A. Presumably Ali Aboubakr.

17 Q. "Well, the younger they are the bigger their mouths are,  
18 fact of life."

19 A. "True."

02:35 20 Q. "Like, you know, the thing about where Muqbil is from, how  
21 those brothers went there?"

22 A. "Yeah."

23 Q. "People that those two bros don't even know about that  
24 which is not good."

25 A. "Yeah, but who 'spread the word'?"

1 Q. "Doesn't really matter. The fact that Bob can ask any  
2 given number of people who might very well include hypocrites  
3 who can give them this info is not good."

4 A. "I certainly don't trust just anyone, especially the  
5 'uncles' at the mosque. I'm not saying they're spies or  
6 anything but it is the type. I know there are several  
7 questionable people at Sharon."

8 Q. Okay. Mr. Mehanna says, "You know the thing about where  
9 Muqbil is from, how those bros went there." What did you  
02:36 10 understand that to be a reference to?

11 A. Muqbil is an Islamic scholar from Yemen. So presumably  
12 that's about his and Ahmad's trip to Yemen.

13 Q. "People that those two bros don't even know about that  
14 which is not good." The two bros he's talking about who went  
15 to Yemen?

16 A. Are himself and Mr. Abousamra.

17 MR. AUERHAHN: Can we have Exhibit 664, please.

18 Q. Does this appear to be a chat between you and the  
19 defendant on July 7, 2006?

02:37 20 A. Yes, sir.

21 MR. AUERHAHN: Can I have Page 2, please.

22 Q. "We cleared that up with Hamzeh."

23 A. "Yes. But I wonder from the conversation we had around  
24 Abu Dawood that if he is an what we suspect that Big Brother  
25 could have an idea what we stand for."

1 Q. "Well, if he is what we suspect, then yes it doesn't take  
2 a brain surgeon to realize that from the gathering at his  
3 apartment alone."

4 A. "I know, but I mean, does it mean that Big Brother is  
5 actively interested in the jama'ah," the group.

6 MR. AUERHAHN: Next page, please.

7 Q. "What we were talking about before, about Abu D knowing  
8 stuff, he knows about."

9 A. "Yes. The Y?"

02:38 10 Q. "Abu Sab and Fadl's field trip." When you say, "The Y,"  
11 is that a reference to Yemen?

12 A. Yes, sir.

13 Q. Abu Sab and Fadl?

14 A. Abu Sab would be Tarek, and Fadl would be Ahmad.

15 MR. AUERHAHN: Next page, please.

16 A. "To the YMCA?"

17 Q. "Yeah. Who" -- I'm sorry.

18 A. "Who told him?"

19 Q. "Fadl's genius cousin and better yet she told him all the  
02:38 20 details online over MSN."

21 A. "Wow, women, so stupid."

22 Q. "So he knows about everything, the cheesecake, the fake  
23 tires, everything."

24 A. "Does he know about al-Fadl's additional field trips to P  
25 Town?"

1 Q. Before we scroll down, "YMCA" is, again, a reference to  
2 Yemen?

3 A. Yes, sir.

4 Q. And the Abu Fadl's additional field trips to P Town?

5 A. Pakistan, sir.

6 Q. By Abousamra?

7 A. Abousamra, yes, sir.

8 MR. AUERHAHN: If we can scroll down, please.

9 Q. "I don't know. I know he doesn't think he's gay so maybe  
02:39 10 he doesn't suspect. Why else would he go to P Town? But in  
11 any case, not good."

12 A. "Do these people think before they stay stuff? Man, some  
13 people."

14 Q. "Why they were talking on MSN in the first place is a  
15 whole other story but" --

16 A. "Yes. That doesn't concern me right now, though. What I  
17 would like to know though is did he ask her about it?"

18 Q. "From what he told me."

19 A. "Or did she freely offer this information without any  
02:39 20 rhyme or reason?"

21 Q. "She spilt the beans voluntarily."

22 A. "Stupid, stupid, stupid."

23 Q. "They were just chatting. Then she said, 'Did you know  
24 that Fadl and Sabs did such and such? Sabs never confirmed  
25 with Abu D if this was true?"

1 MR. AUERHAHN: Next page, please.

2 Q. "He just said, 'What the heck is she talking about?' But  
3 Abu D isn't stupid."

4 A. "I know."

5 Q. "He can smell a faggot if he sees one."

6 A. "I wonder if he tried to lure this info out of her."

7 Q. "Honestly, bro, I don't think so. Women are that dumb."

8 A. "Then again women are stupid. Does al-Fadl know this?"

9 Q. "No. I don't want to freak him out."

02:40 10 A. "Fortunately for Shukri al-Fadl, I don't think most people  
11 know about his P Town visits."

12 Q. "Yeah, well you would be surprised. His father."

13 A. "He hasn't been exposed, lol."

14 Q. "Quite a bit of publicizing of that."

15 A. "Oh, great."

16 Q. "Yeah. Many MAS people know of it."

17 A. "This is what I have been saying. These elders claim that  
18 we are going to get in trouble with our speech and our conduct  
19 but they are the ones going to get us in trouble."

02:40 20 Q. "Exactly. He told practically everyone."

21 A. "They always preach to us about hikmah," which is wisdom.  
22 "I guess they were the pot calling the kettle black."

23 Q. "Yeah. It's all hogwash."

24 A. "As the American military says, 'loose lips sink ships'."

25 Q. "Ah well."

1 A. "Obviously hogwash."

2 MR. AUERHAHN: Can we have -- actually, before we get  
3 to the next exhibit --

4 Q. You mentioned Abu Dujanah, who was the chap in London who  
5 got arrested?

6 A. Yes, sir.

7 Q. Did you ever have any discussion with Mr. Mehanna about  
8 attempts to meet with Abu Dujanah at Heathrow?

9 A. I don't recall any with Mr. Mehanna. I do recall with Mr.  
02:41 10 Abousamra.

11 Q. What did Mr. Abousamra tell you?

12 A. From what I recall, he said that this Abu Dujanah figure  
13 was interested in giving them money when they stopped over in  
14 London on their way to Yemen. But I don't recall whether he  
15 was able to or not.

16 MR. AUERHAHN: Can we have Exhibit 660, please.

17 Q. Does this appear to be a chat between you and the  
18 defendant on June 26, 2006?

19 A. Yes, sir.

02:42 20 MR. AUERHAHN: Second page, please.

21 Q. "Update from Abu Dujanah. His hearing is on the 14th."

22 A. "What is new? How is his condition?"

23 Q. "He's fine. He just asked for a supplication."

24 A. "Is he in good spirits?"

25 Q. "He appears to be."



1 A. "Is he at Belmarsh?"

2 Q. "I'm not sure yet but I think so." Belmarsh, is that the  
3 prison where Abu Dujanah was being held?

4 A. I'm not sure if he was ever held there or not, sir.

5 MR. AUERHAHN: Can we have Exhibit 661, please.

6 Q. Does this appear to be a chat between you and the  
7 defendant on June 26 of 2006?

8 A. Yes, sir.

9 MR. AUERHAHN: Can we go to Page 6, please.

02:43 10 Q. "By the way, Abu Dujanah is still in Belmarsh."

11 A. "Oh, may Allah hasten his escape from the dungeons of the  
12 tyrant rulers."

13 Q. "Amen. May Allah give him female prison guards."

14 A. "Does he see the more famous personalities there? Amen."

15 Q. "I am not sure about his circumstances."

16 A. "Okay."

17 Q. "He just wrote a letter to some bro and told him to  
18 contact me, sending greetings and asking for supplication."

19 A. "Does the Brit prison authorities check outgoing mail?"

02:43 20 Q. "I'm sure they do. He didn't mention me by name. He just  
21 said..." -- next page, please. "...the brother translating Fi  
22 Dhilal al Quran, In the Shadows of the Quran."

23 A. "Okay."

24 Q. "Which means he must have some type of net access."

25 A. "How is Ismyy?"

1 Q. "No news. He's in a tougher position because he's being  
2 charged with terror offenses."

3 A. "Yah."

4 Q. "DJ is just fraud."

5 A. "Rather than the financial stuff?"

6 Q. "Yah."

7 A. "May Allah make it easy for our dear brothers and hasten  
8 their escape from the dungeons of the idols."

9 Q. "Amen."

02:44 10 A. "Babar Ahmed and Abu Hamza are also there waiting to be  
11 extradited to the U.S."

12 Q. There's reference up here to "Ismyy." Who was Ismyy?

13 A. He was another person I think arrested around the same  
14 time, in relation to the same case as Abu Dujanah.

15 Q. And charged with some terrorism offenses?

16 A. Yeah. I don't know specifically which ones, though.

17 MR. AUERHAHN: Exhibit 656, please.

18 Q. Does this appear to be a chat between you and the  
19 defendant on April 1, 2006?

02:45 20 A. Yes, sir.

21 MR. AUERHAHN: Page 2, please.

22 Q. You can start reading.

23 A. "Ahmad and I are wondering if we can come and visit you."

24 Q. "When?"

25 A. "Now if possible."

1 Q. "Hmm. Is it urgent?"

2 A. "We're just bored."

3 Q. "Because I just got yelled at by my father."

4 A. "What for if you don't mind me asking?"

5 Q. "Believe it or not, for tmn ymn and for being suspicious."

6 A. "Hmm."

7 Q. "Ymn," is that Yemen?

8 A. Presumably.

9 MR. AUERHAHN: Next page, please.

02:46 10 Q. Can you read, please?

11 A. "So it isn't a good idea to visit you?"

12 Q. "Well, later tonight maybe but right now, no, trust me."

13 A. "What is later tonight as it is already 6 p.m.?"

14 Q. "I want to see you guys more than you want to see me but  
15 I'm not sure. I hate it."

16 A. "The Jews. We know Tarek, no need to explain."

17 Q. "When this happens, I mean, why keep bringing up something  
18 that happened over two years ago?"

19 A. "They are disappointed in you. They want you to do it  
02:46 20 again."

21 Q. "Hah, yeah, I bet."

22 A. "That was Ahmad."

23 Q. "He's with you?"

24 A. "Yes."

25 Q. "I think my dad thinks..."

1 MR. AUERHAHN: Next page, please.

2 Q. "...that I'm part of a group."

3 A. "Seriously?"

4 Q. "Yes."

5 A. "I wish."

6 Q. "That is what he told me."

7 A. "My father sometimes think that too when I look nervous."

8 Q. "I mean, if I was actually doing something suspicious,  
9 then I'd understand but I mean come on man."

02:47 10 A. "That was Ahmad."

11 Q. "Yeah."

12 A. "Which jama'ah group, Shukri's?"

13 Q. "I don't know. He just" --

14 A. "What is wrong with rejection of stop signs? That isn't  
15 extreme. It is healthy moderation. Yesterday we were watching  
16 Uhadid video at Amajeed's. So he asked, who put the subtitles  
17 in English, lol."

18 Q. "Heh, how come, did he like the videos, all the  
19 Tunisians?"

02:47 20 A. "He liked it. He didn't like the part where they talked  
21 with certainty of being in paradise."

22 Q. "Yeah."

23 A. "He also thought the guy videotaping, his hand was very  
24 shaky."

25 Q. "Didn't they say Allah willing, though?"

1 A. "I don't think they did in that part where they talk right  
2 after they show the job."

3 Q. "Yesterday we were watching the Uhadid video at  
4 Amajeed's." What's the Uhadid video?

5 A. I believe it's the Umar Hadeed video.

6 Q. And who's Amajeed?

7 A. Abdul Majid was a person we knew.

8 Q. I'm sorry?

9 A. Abdul Majid, he was a person we knew.

02:48 10 Q. The Umar Hadeed video, what was it about?

11 A. If I recall correctly, it showed various attacks, either  
12 car bombings or IEDs on American soldiers and Iraqi security  
13 personnel in Iraq.

14 Q. Where you say, "He didn't like the part where they talked  
15 the certainty of being in paradise," were there a lot of  
16 depictions of suicide bombers?

17 A. It's been awhile since I have seen it so I don't recall.  
18 But that was -- stuff of that nature.

19 Q. I'm sorry?

02:49 20 A. It was stuff of that nature. I don't recall how much,  
21 though.

22 Q. Okay. So he asked who put the subtitles in English. Did  
23 you answer the question, who put the subtitles in English?

24 A. Because I'm not sure which -- because in this  
25 conversation, Ahmad was using my screen name at the same time

1 to talk to Tarek. So I'm not sure which parts in that are me  
2 and which parts are him speaking.

3 Q. Do you know who put the subtitles in the Umar Hadeed  
4 video?

5 A. Yes, sir.

6 Q. Who?

7 A. Tarek did.

8 MR. AUERHAHN: Can we have Exhibit 658, please.

9 Actually, let's skip this one and go to 257, please.

02:50 10 Q. Now, is this an email from you to the defendant concerning  
11 the Sharon khutbah on June 18, 2006?

12 A. It appears to be, yes, sir.

13 Q. "Akhi, I am aware of the fitnah that these fools and  
14 faasiqeen are making over your khutbah last Friday. I just  
15 want to tell you not to be disheartened and that I, as your  
16 Muslim brother and friend, stand firmly behind you and what you  
17 said. I know you probably won't but I don't want you to think  
18 that you made a mistake in what you did. You spoke the haq,  
19 even if the cowards on the board hated to hear it. Remember,  
02:50 20 the laymen in the Masjid were very happy to hear your khutbah  
21 and are not corrupted with love of power, prestige and position  
22 like the boards. I can only speak for myself, but I stand 110  
23 percent behind your noble and righteous actions. Remember that  
24 al-Imaam Ahmed ibn Hanbal and ash-Shaykh al-Islaam ibn  
25 Taymiyyah stood against tyrants and people of Baatil in their

1 times and suffered for it. Let these people, i.e. the board,  
2 fume and rant."

3 MR. AUERHAHN: Next page, please.

4 Q. "They follow only their own desires. Remain firm, akhi,  
5 and remember that insha' Allah, I am standing with you. One  
6 who suffers hardship and tribulation for Allah's sake has not  
7 lost anything but indeed gained a lofty thing, the reward of  
8 Allah. Don't waste your time with these people as it is as if  
9 you were throwing pearls before swine. And Allah knows best."

02:51 10 MR. AUERHAHN: Can we go to the next exhibit, 258,  
11 please.

12 Q. Does this appear to be an email response from the  
13 defendant to you about the khutbah?

14 A. It does, sir.

15 Q. Does the defendant say, "Bro, thanks very much for your  
16 kind words although I care more about what the ants running  
17 around in my garage are saying than I do about what these board  
18 members are saying. See you soon. Insha' Allah."

19 MR. AUERHAHN: Exhibit 659, please.

02:52 20 Q. Does this appear to be a chat between you and the  
21 defendant on June 22 of 2006?

22 A. Yes, sir.

23 Q. You say, "Peace be upon you." And the defendant responds.  
24 If you could continue reading?

25 A. "How did it go with your father?"

1 Q. "Well, I can't speak anymore. No more khutbahs, sermons,  
2 and I have to pack up all my books and put them away."

3 A. "Why?"

4 Q. "Allah knows best."

5 A. "I understand the sermons part but the books?"

6 Q. "Well, see, apparently they fuel my ideas."

7 A. "Which ones?"

8 Q. "Dude, I don't know. I was just told."

9 A. "The Qur'an and the Hadith collections?"

02:52 10 Q. "That I have to put my stuff away."

11 A. "May Allah make it easy for you. You will still have the  
12 Qur'an."

13 Q. Yes.

14 A. "And that is sufficient."

15 MR. AUERHAHN: Next page, please.

16 Q. "Exactly."

17 A. "God willing. You can still read online also."

18 Q. "No, I can't."

19 A. "Hmm."

02:53 20 Q. "But I will, hehe."

21 A. "That all seems a little extreme for a response. So he  
22 believed all the lies and exaggerations that the Sharon crew  
23 said?"

24 Q. "No, he didn't. His gripe is that the commotion was  
25 created in the first place and that I was the cause of it and



1 it could have gotten me in trouble."

2 A. "They created the commotion, not you."

3 Q. "Yeah, you know. Muhiuddin told my father that I was like  
4 an al Qa'ida member."

5 A. "Muhiuddin is a liar and a faasiq immoral, a jaahil  
6 ignorant idiot that has no place in a position relating to  
7 power in a mosque. He said that you were like an al Qa'ida  
8 member?"

9 Q. Yes.

02:53 10 A. "God bless. I swear that man is evil."

11 Q. "He said" --

12 A. "May Allah guide him or destroy him."

13 Q. -- "if we didn't know he was your son, we would say that  
14 he was a member of al Qa'ida."

15 A. "What an evil man. I really cannot think of anything else  
16 to say."

17 MR. AUERHAHN: Next page, please.

18 Q. "Yeah."

19 A. "So you're not giving the sermon at Burlington?"

02:54 20 Q. "Nope."

21 A. "Can you still see the brothers and such?"

22 Q. "Yeah, of course. Allah willing."

23 A. "Okay, good. Praise be to God. These people are afraid.  
24 They are afraid that the people will learn the truth and that  
25 they conspired to hide it from them, that their power will be

1 in jeopardy and that they will be exposed as cowards, liars,  
2 and faasiquun that they are. I swear that the man is a Satan.  
3 Sorry about the rant, but I loathe these treacherous people."

4 Q. "Ah, well, nothing unexpected."

5 A. "I know. But it still makes me furious, just like I  
6 expect the Jews to kill our women and children in Palestine but  
7 I still get angry every time."

8 MR. AUERHAHN: Exhibit 666, please.

9 Q. Does this appear to be a chat between you and the  
02:55 10 defendant on July 12, 2006?

11 A. Yes, sir.

12 Q. If you could start reading?

13 A. "Did you ask your father?"

14 Q. "Not yet. See, he might get kind a suspicious?"

15 A. "Why?"

16 MR. AUERHAHN: Next page, please.

17 Q. "Just going to visit bros he doesn't know and in New York,  
18 etc, etc. I will ask him."

19 If you could read, please.

02:55 20 A. "You know of Abu Adaam al-Amerikee, the American?"

21 Q. "Yeah, got 72."

22 A. "Yes. He was a regular member of Imaam Jaamil's mosque.  
23 I put some picture of Imam Jaamil on TP in the gallery  
24 section."

25 Q. "Got 72," do you understand that to be a reference to

1 something in particular?

2 A. I don't recognize it at the moment, sir.

3 Q. 72 virgins?

4 A. I don't recognize it in relation to the question, though,  
5 sir.

6 Q. Okay. Now, you mentioned earlier that you know an  
7 individual named Daniel Maldonado?

8 A. Yes, sir.

9 Q. At some point, did he leave the United States?

02:56 10 A. He did, sir.

11 Q. Did you learn that he left the United States from anyone  
12 in particular?

13 A. He told me himself when he initially deported to Egypt.

14 Q. Did you maintain contact with him while he was gone?

15 A. Sporadically.

16 Q. At some point, did he leave Egypt?

17 A. Yes, sir.

18 Q. And how did you learn that he left Egypt?

19 A. I believe he had called Tarek, and then Tarek told me that  
02:57 20 he had called him.

21 Q. Where was he calling from when he called?

22 A. Somalia, I believe.

23 Q. So Mr. Mehanna told you he received a call from Mr.  
24 Maldonado in Somalia?

25 A. Yes, sir.

1 Q. How soon after the call did Mr. Mehanna tell you about it?

2 A. I don't recall, sir.

3 Q. Was it before the news began to appear about Mr.  
4 Maldonado's arrest?

5 A. I believe so.

6 Q. And did you discuss with -- at any time, did you discuss  
7 with Maldonado -- sorry -- with Mr. Mehanna the fact that he  
8 was questioned about Maldonado by the FBI?

9 A. Yes, sir.

02:57 10 Q. Okay. What did he tell you?

11 A. That they were asking questions about Maldonado and what  
12 he knew about him and what he knew about where he was and  
13 questions to that effect.

14 Q. Okay. Did he tell you what answers he gave?

15 A. I don't recall.

16 Q. Did he tell you whether or not he told the FBI that  
17 Maldonado was in Somalia?

18 A. I don't recall.

19 Q. Did he express concern about the telephone calls he  
02:58 20 received from Mr. Maldonado in Somalia?

21 A. He did seem uncomfortable about them, yes, sir.

22 MR. AUERHAHN: Now, can we bring up Exhibit 326 and  
23 325 side by side, please. If we can go to Page 2 of this  
24 particular exhibit.

25 Q. While Mr. Bruemmer is doing that, you described your

1 relationship to Mr. Abousamra. At some point, did you develop  
2 a family relationship with Mr. Abousamra?

3 A. Yes, sir.

4 Q. How so?

5 A. I was, for a period of over two years, married to his  
6 younger sister.

7 Q. From approximately when to approximately when?

8 A. 2005 to early 2008.

9 MR. AUERHAHN: If you can go to Page 2 of 326, please.

03:01 10 (Recording played.)

11 Q. Now, you see on the transcript where it says, "The first  
12 time it was the connection and then the second time he just  
13 called again saying that you have to come now. He's like if  
14 you're going to come tomorrow, do it. I told him I would love  
15 to go"?

16 A. Yes, sir.

17 Q. Did you hear that on the tape?

18 A. I couldn't make out anything.

19 Q. At all on the tape?

03:03 20 A. No.

21 Q. Did you recognize the voice on the tape?

22 A. Very vaguely, yes.

23 Q. Do you recall having a conversation with the defendant  
24 Mehanna about the call from Somalia, the call from Daniel  
25 Maldonado?

1 A. I recall having one, yes, sir.

2 Q. Do you recall having it in the apartment of Insaf Masood?

3 A. I don't recall where it was, sir.

4 MR. AUERHAHN: Go to Exhibit 276, please.

5 Q. Does this appear to be an email from Tarek Mehanna to you  
6 with a link to a New York Times article about Maldonado?

7 A. Yes, sir.

8 Q. So do you remember discussing with Mr. Mehanna when Mr.  
9 Maldonado was ultimately arrested and brought back to the  
03:04 10 United States?

11 A. Yeah. We discussed it, sir.

12 Q. Okay. Was there discussion in these articles about a  
13 telephone call that Mr. Maldonado made?

14 A. I believe one of the news articles made reference to the  
15 fact that Mr. Maldonado had made a phone call or phone calls to  
16 someone in the United States, and Tarek was worried that he was  
17 that person. But other than that --

18 Q. Okay. Did he indicate that he, in fact, was that person?

19 A. I don't know if -- I don't recall him definitely doing  
03:05 20 that, no, sir.

21 MR. AUERHAHN: May I have a moment, your Honor?

22 Q. So you said he believed he was the person?

23 A. Yes, sir.

24 Q. Okay. Was he concerned about that phone call?

25 A. Yes, sir.

1 Q. And, also, you said, after that phone call, he was  
2 interviewed by the FBI?

3 A. I believe so. I don't recall at which time -- he was  
4 ultimately interviewed about the FBI in regards to some of that  
5 stuff, but I don't remember when it was.

6 Q. Did you have a discussion with him about whether what he  
7 said to the FBI was true or false?

8 A. I don't recall.

9 MR. AUERHAHN: May I approach?

03:05 10 THE COURT: You may.

11 Q. 10/29/09, grand jury, Page 56, Line 13 to 16, please.

12 A. (Reading.)

13 Q. Does that refresh your recollection whether or not Mr.  
14 Mehanna told you he was concerned about what he had said to the  
15 FBI?

16 A. Somewhat, sir.

17 Q. Okay. What do you remember about what he said to you his  
18 concern was with reference to what he had said to the FBI?

19 A. Something about how they had him on -- he was approached  
03:06 20 at some point by the FBI, and they had it on tape or something  
21 like that. They told him they had him in a conversation with  
22 someone else talking about it.

23 Q. Did he say he was concerned that he had lied to the FBI?

24 A. Something to that effect, sir, yes.

25 Q. Well, do you remember anything more than just "something

1 to that effect"?

2 A. Just that they had him on tape, and he -- that he was  
3 worried that his words would not match up with what he said in  
4 that conversation with what he had previously told the FBI.

5 Q. So he was concerned he had lied to the FBI?

6 A. Yeah.

7 Q. Now, did you ever discuss with Mr. Abousamra or Mr.  
8 Mehanna the idea of domestic attacks?

9 A. Ahmad talked about it on a few times. Tarek only talked  
03:07 10 about it within the context that he thought it was silly.

11 Q. Did you talk to either of them about any specific domestic  
12 attacks?

13 A. In terms of just broad generalizations or something  
14 specific?

15 Q. Something specific.

16 A. Nothing -- they had talked about previous conversations  
17 that they had and then relayed to me, but neither of them spoke  
18 specifically about doing anything other than sort of a general  
19 -- on Ahmad's part, a general desire to do something but never  
03:08 20 an actual plan of action or anything of that nature.

21 MR. AUERHAHN: May I approach, your Honor?

22 Q. 10/29/09, grand jury, bottom of 79 to top of Page 80. If  
23 you could start here and read on to the next page.

24 A. (Reading.)

25 Q. Does that refresh your recollection about a discussion



1 about a specific attack in the United States?

2 A. Yes. But it was the so-called mall plot which both of  
3 them had told me was put forward by neither of them but by the  
4 third participant to their trip to Yemen, who had put it  
5 forward about this idea of shooting people in malls or  
6 something to that effect. And Tarek had told me emphatically  
7 he thought it was stupid and impractical. But they had said  
8 this had been discussed, yes, sir.

9 Q. You mentioned earlier that Mr. Mehanna didn't think very  
03:09 10 highly of Muslim American Society, Council on American Islamic  
11 Relations, MAS and CAIR?

12 A. Yes, sir.

13 Q. Did he use particular words to describe them?

14 A. Possibly. I don't recall any at the moment.

15 Q. What about "apostates"?

16 A. I don't know that Tarek ever referred to those groups as  
17 apostates per se. I know Ahmad did or certain individuals from  
18 those groups, but I don't recall Tarek ever referring to them  
19 as apostates, as highly critical of them as he was.

03:10 20 Q. Did Mr. Abousamra tell you what should be done with  
21 apostates?

22 A. The general ruling for -- the classical ruling for  
23 apostates in Islamic jurisprudence is that they are to be  
24 executed if they refuse to repent.

25 Q. That was a general ruling accepted by you at the time?

1 A. Yes, sir.

2 Q. By Mr. Mehanna at the time?

3 A. Yes, sir.

4 Q. Mr. Abousamra at the time?

5 A. Yes, sir.

6 Q. And, sir, as you sit here today, in the eyes of Mr.

7 Abousamra and Mr. Mehanna and Mr. Spaulding of 2006, you're an  
8 apostate, aren't you?

9 A. Yes, sir.

03:11 10 Q. You've renounced Islam?

11 A. Yes, sir.

12 MR. CARNEY: I object, your Honor --

13 THE COURT: Overruled.

14 MR. CARNEY: -- to the forms of the questions.

15 THE COURT: Overruled.

16 Q. And you've converted?

17 A. Yes, sir.

18 Q. Why did you renounce Islam?

19 A. Because I no longer believed it to be true, sir.

03:11 20 MR. AUERHAHN: No further questions, your Honor.

21 THE COURT: Mr. Carney.

22 MR. CARNEY: May I have one moment, your Honor,  
23 please?

24 CROSS-EXAMINATION BY MR. CARNEY:

25 Q. Good afternoon, Mr. Spaulding.

1 A. Good afternoon, sir.

2 Q. I want to begin with the subject that you just went over  
3 with the prosecutor, and that concerns whether there was ever  
4 any discussion involving Mr. Mehanna with a suggestion that  
5 anything be done within the borders of the United States of  
6 America.

7 A. Yes, sir.

8 Q. You said that Mr. Mehanna said it was impractical, right?

9 A. Correct.

03:12 10 Q. You're familiar with the concept of Aman?

11 A. Yes, sir.

12 Q. And that's part of Islamic law, isn't it?

13 A. Yes, sir.

14 MR. CARNEY: I'll take a page from my partner. I'll  
15 spell it.

16 Q. A-m-a-n?

17 A. I don't recall how to transliterate it.

18 Q. Would that be pretty close?

19 A. Yes, sir.

03:13 20 Q. Now, Aman is a fundamental law of -- or jurisprudence of  
21 Islam, isn't it?

22 A. Yes, sir.

23 Q. This was something that you had talked about with Tarek,  
24 hadn't you?

25 A. It is, sir.

1 Q. And you talked about it with him on many occasions,  
2 correct?

3 A. Yes, sir. I would say so, sir.

4 Q. If there's one thing you can say with certainty, it's that  
5 Tarek was very serious about obeying Islamic law --

6 A. Yes, sir.

7 Q. -- is that true?

8 A. I would say so, sir.

9 Q. And that seriousness of obeying Islamic law applied to  
03:13 10 Aman, didn't it?

11 A. It did, sir.

12 Q. Is it fair to say that the law of Aman is that if a  
13 country gives a Muslim protection to practice his or her  
14 religion in that country that, in turn, there is a covenant or  
15 pact with that country that the Muslim citizen will be a  
16 law-abiding citizen within that country?

17 A. That is correct, sir.

18 Q. Have I summarized it accurately?

19 A. Yes, very eloquently, sir.

03:14 20 Q. Well, accurately will do. Thank you.

21 What this means for a Muslim who follows this Islamic law  
22 is that it would violate Islamic law for him to do something in  
23 the United States like shoot someone, right?

24 A. Correct, sir.

25 Q. Or attack a shopping mall, right?

1 A. Correct, sir.

2 Q. He can't do anything within the United States' borders as  
3 long as he has this covenant or pact with the United States?

4 A. That is the ruling, yes, sir.

5 Q. And in Tarek's view, he had been allowed by the United  
6 States to practice his religion freely, isn't that true?

7 A. Generally speaking, yes, sir.

8 Q. There was no instance where the United States Government  
9 had ever prevented Tarek Mehanna from practicing his religion,  
03:15 10 was there?

11 A. Not that I am aware of, sir.

12 Q. So in his view, he had the covenant with the United  
13 States, right?

14 A. That had been expressed to me, yes, sir.

15 Q. By Tarek?

16 A. By Tarek, sir.

17 Q. On numerous occasions?

18 A. On several occasions, yes, sir.

19 Q. In fact, one of the things he was trying to do was make  
03:15 20 sure that you understood that was the Islamic law, right?

21 A. Yes. He was one of the people who allowed me to change my  
22 opinion on that issue.

23 Q. You had believed differently --

24 A. Yes.

25 Q. -- prior to that, isn't that right?

1 A. Yes, sir.

2 Q. Part of the reason for that was Abousamra did not agree  
3 with Tarek on this?

4 A. He did not, sir.

5 Q. Kareem did not believe with Tarek on this?

6 A. I don't know what his opinions were, sir.

7 Q. Well, Kareem proposing to shoot up a shopping mall, that  
8 would be in violation of Aman?

9 A. It would, sir.

03:16 10 Q. So it's fair to say that not only did Abousamra not agree  
11 with Tarek, Kareem did not agree with Tarek, right?

12 A. That's an assumption one can make from that, yes.

13 Q. If you can answer a question for me yes or no, I'd be  
14 grateful.

15 A. Yes, sir. I apologize.

16 Q. That's okay. We'll just move a little faster. Life's too  
17 short.

18 A. Indeed.

19 Q. Now, you mentioned that at one point you believed it was  
03:16 20 okay to do something to an American in the United States?

21 A. Yes, sir.

22 Q. By a Muslim --

23 A. Yes, sir.

24 Q. -- correct?

25 Who was living in the United States?

1 A. That is correct.

2 Q. And it's fair to say that Tarek proved to you why that was  
3 wrong under Islamic law?

4 A. He was one of the people, yes, sir.

5 Q. So he was someone who helped convince you?

6 A. Yes, sir.

7 Q. And you were convinced by that, right?

8 A. Yes, ultimately, sir, yes.

9 Q. Now, it was Kareem who brought up an idea of shooting up a  
03:17 10 shopping mall, right?

11 A. That is what was told to me, yes, sir.

12 Q. And Tarek said that that would violate Aman, right?

13 A. I don't know his specific argument against it at the time,  
14 but he indicated that to me later, yes.

15 Q. He indicated to you that that would violate Aman?

16 A. Yes, sir.

17 Q. He also told you that, just in terms of his personal  
18 opinion, it was a dumb idea?

19 A. He did, sir.

03:18 20 Q. He even called it outlandish, didn't he?

21 A. Words to those effect, yes, sir.

22 Q. So when the prosecutor asked you about what Tarek said,  
23 what Tarek's view was of this, the correct statement is: He  
24 would view it as in violation of a central concept of the  
25 Muslim faith?

1 A. Yes, sir.

2 Q. Isn't that a fairer statement?

3 A. I believe so, yes, sir.

4 Q. There was never again any discussion, to your knowledge,  
5 in front of Tarek Mehanna about doing something in the United  
6 States, isn't that fair to say, to your knowledge?

7 A. To my knowledge, yes, sir.

8 Q. That's a fair statement?

9 A. Yes, sir, it is.

03:18 10 Q. I'd like to go back to the beginning of your testimony, if  
11 we could.

12 A. Certainly.

13 Q. You mentioned that you were a convert to Islam, Mr.  
14 Spaulding, is that right?

15 A. That is correct, sir.

16 Q. You were raised an Evangelical Christian?

17 A. I was, sir.

18 Q. At some point, you decided to explore other religions; is  
19 that fair to say?

03:19 20 A. Yes, sir.

21 Q. This was something that was your own decision and your own  
22 motivation, wasn't it?

23 A. It was, sir.

24 Q. You looked at different religions, didn't you?

25 A. That is correct.



1 Q. You checked out what the fundamental principles were of  
2 different religions?

3 A. Yes.

4 Q. And you decided to convert to the religion of Islam?

5 A. Yes, sir.

6 Q. That occurred in 2002?

7 A. Yes, sir.

8 Q. Would you have been 18 years old at that point?

9 A. Yes, sir.

03:19 10 Q. There was no pressure put on you to select Islam, was  
11 there?

12 A. No.

13 Q. There was nobody pushing you to go in this direction?

14 A. No.

15 Q. It was all your own action?

16 A. It was, sir.

17 Q. Soon after you became a Muslim, you got to know Daniel  
18 Maldonado?

19 A. Yes, sir.

03:20 20 Q. You had a pretty good rapport with him from the outset?

21 A. I acted -- I interacted with him initially, then he  
22 disappeared for a while, and then I reconnected with him after  
23 that, sir, yes.

24 Q. When you reconnected, is it fair to say you had an  
25 easygoing bond with each other?

1 A. Yeah. We got along quite well, sir.

2 Q. You had some things in common?

3 A. Yes, sir.

4 Q. Of course, you're both named Daniel?

5 A. Yes, sir.

6 Q. Even beyond that, and more importantly, you were both  
7 converts to the religion?

8 A. Yes.

9 Q. Daniel, when you met him, was a Salafi?

03:20 10 A. Yes, sir.

11 Q. And that is a particular view of Islam, isn't it?

12 A. Yes.

13 Q. You might call it a sect, s-e-c-t, of Islam?

14 A. Yes.

15 Q. And it's people who have a certain group of beliefs that  
16 they hold to under the religion of Islam?

17 A. It is, sir.

18 Q. It advocated a return to a pure Islam; is that a fair way  
19 to put it?

03:21 20 A. Yes, sir.

21 Q. Now, we've certainly heard throughout the trial a lot  
22 about the history of Islam. But if I can confirm with you  
23 briefly, there is one God in Islam?

24 A. Yes, sir.

25 Q. That God revealed his beliefs in the Qur'an, right?

1 A. Yes.

2 Q. The Qur'an is the most important book in Islam?

3 A. Yes, sir.

4 Q. It's the equivalent of the Bible to Christians or the Tora  
5 to Jews; is that fair to say?

6 A. That's --

7 Q. To the extent that you know?

8 A. Yes, sir.

9 Q. There was a prophet named Muhammad who revealed what God  
03:22 10 wanted to have people do, correct?

11 A. Yes, sir.

12 Q. There were some people who were, of course, alive in the  
13 time of the Prophet Muhammad, correct?

14 A. Yes.

15 Q. And they reported what he had said?

16 A. Yes, sir.

17 Q. And these were contained in documents that are termed  
18 "Hadiths," is that correct?

19 A. Correct, yes, sir.

03:22 20 Q. And to put it in a simple way for me, it's someone  
21 reporting that he or she, although I suspect it's always he,  
22 heard the Prophet Muhammad say X or Y?

23 A. Yeah. Heard him say this or saw him do this, things to  
24 that effect, sir, yes.

25 Q. And there were three generations after the prophet lived

1 who might have had some connection to him, direct or indirect,  
2 isn't that right?

3 A. Yes, sir.

4 Q. And the Salafi concept of Islam is people are going to try  
5 to live their life as it was reflected in the Qur'an and in the  
6 Hadiths, is that right?

7 A. Yes, sir.

8 Q. Now, if you believe this, then you look to the Qur'an for  
9 the actual language that's used in there to guide how you will  
03:23 10 live your life in 2011?

11 A. That would be correct, sir.

12 Q. You look to the Qur'an and the Hadiths for how you will  
13 act in your life, right?

14 A. Yes, sir.

15 Q. Now, you were learning all this in your conversion to  
16 Islam, weren't you?

17 A. Yes, sir.

18 Q. And it's fair to say that, as you become familiar with a  
19 religion, you're not given the entire religion all on the first  
03:24 20 day, right?

21 A. No, sir.

22 Q. It makes sense that you begin to learn about the basics,  
23 correct?

24 A. Yes, sir.

25 Q. You begin to learn about the Qur'an, right?

1 A. Yes, sir.

2 Q. And the prophets, correct?

3 A. Yes, sir.

4 Q. You read Hadiths?

5 A. Correct.

6 Q. And it's -- it's the path that everyone would take if he  
7 or she is trying to learn about something brand-new that  
8 constitutes a religion that a person wants to live his life by,  
9 right?

03:24 10 A. Yes, sir. That's the most practical way.

11 Q. Now, the prosecutor has used the word "progression" as if  
12 it's some evil mind-bending theory.

13 MR. AUERHAHN: Objection.

14 THE COURT: Sustained.

15 Q. Is that the impression you got?

16 MR. AUERHAHN: Objection.

17 THE COURT: Sustained.

18 Q. Well, he used the word "progression," right?

19 A. Yes, sir.

03:24 20 Q. And that when Tarek Mehanna was teaching someone about  
21 Islam, he used progression in order to teach someone, right?

22 A. Yes, sir.

23 Q. In fact, he used progression with you, right?

24 A. I believe so, yes.

25 Q. He started out basic, and then it got more detailed. And

1 that was the way you learned about Islam, right?

2 A. Correct.

3 Q. And how, to your knowledge, most people learned about  
4 Islam --

5 A. Yes, sir.

6 Q. -- correct?

7 You met Ahmad Abousamra through Daniel Maldonado, is that  
8 right?

9 A. I believe so, yes.

03:25 10 Q. Approximately in 2004?

11 A. Somewhere in that timespan, yes, sir.

12 Q. And within about a year or so, you got married to  
13 Abousamra's younger sister?

14 A. Yes, sir.

15 Q. Rouba?

16 A. Rouba, yes.

17 Q. R-o-u-b-a?

18 A. Yes, sir.

19 Q. Now, would you agree with me that Abousamra had a very  
03:26 20 strong personality?

21 A. He was, yes, very charismatic, sir.

22 Q. He was smart, wasn't he?

23 A. Yes.

24 Q. Very confident about his beliefs?

25 A. Yes.

1 Q. He was a forceful person in presenting those beliefs?

2 A. He certainly could be, yes.

3 Q. He was knowledgeable about a lot of aspects of Islam,  
4 wasn't he?

5 A. Yes.

6 Q. He was fluent in Arabic?

7 A. He was.

8 Q. He was an excellent public speaker, wasn't he?

9 A. Yes.

03:26 10 Q. He didn't hesitate to stand up if it was a group filling a  
11 mosque or if it was a group sitting in a dining room table, to  
12 stand up and espouse his views?

13 A. Correct.

14 Q. You described him as charismatic?

15 A. Yes.

16 Q. What do you mean by that word?

17 A. He was just one of those people, you were very drawn to  
18 him, very -- you know, he had one of those sort of  
19 personalities where he could easily connect with people and,  
03:27 20 you know, had that sort of attractive personality and such.

21 Q. He took you under his wing a little bit, didn't he?

22 A. Yes. We became very good friends.

23 Q. And just by virtue of the fact that Abousamra would give  
24 you a very strong opinion about something related to Islam was  
25 generally enough for you to embrace it?

1 A. Yes.

2 Q. I won't say blindly, but --

3 A. Pretty close.

4 Q. Pretty close?

5 A. Pretty close, yes, sir.

6 Q. And if you raised sometimes or other people raised  
7 sometimes some disagreements with Abousamra's views, he didn't  
8 hesitate to continue to debate and argue until he wore you  
9 down; is that a fair --

03:27 10 A. He was very persistent in his arguments.

11 Q. Until he wore you down, is that a fair way?

12 A. Or people gave up, things to that effect, yes.

13 Q. He was basically the driving force behind the adoption of  
14 the extreme views that you and your group of friends at this  
15 time were espousing, isn't that right?

16 A. He was a main motivator, yes, sir.

17 Q. Would you say the main motivator is a driving force?

18 A. I suppose you could put it like that, yes, sir.

19 Q. Now, the prosecutor has shown us again some photos of 9/11  
03:28 20 and the awful events of that day, do you remember?

21 A. Yes, sir.

22 Q. We saw again the horrible images of the Twin Towers --

23 A. Yes, sir.

24 Q. -- right?

25 We talked again about the outrage of 3,000 people being



1 killed that day?

2 A. Yes.

3 Q. Innocent Americans?

4 A. Yes.

5 Q. After that happened, you had discussions with Abousamra  
6 about that, right?

7 A. Yes, sir.

8 Q. And you had discussions with other people, too, correct?

9 A. Correct, sir.

03:29 10 Q. And you came to the conclusion that the actions on 9/11  
11 that we just talked about were justified, correct?

12 A. Yes, sir.

13 Q. Now, by justified, it means that your position was that it  
14 was warranted, that it was okay, it was appropriate, for planes  
15 to fly into the Twin Towers, for a plane to fly into the ground  
16 in Pennsylvania, and for a plane to fly into the Pentagon and  
17 kill all those people?

18 A. Yes, sir.

19 Q. I didn't hear you, Mr. Spaulding.

03:30 20 A. Yes, sir.

21 Q. You described the hijackers as being Nineteen Martyrs,  
22 correct?

23 A. I believe I may have used language like that at some  
24 point, sir, yes.

25 Q. And martyrs are people who die heroic deaths?

1 A. Correct, sir.

2 Q. You compared the loss of life on that day to the loss of  
3 life at Hiroshima, correct?

4 A. Yes, sir.

5 Q. That was your description, wasn't it?

6 A. Those were my words, yes.

7 Q. That was your choice of how you would compare 9/11?

8 A. Yes, sir.

9 Q. And, of course, when you referred to Hiroshima, you were  
03:30 10 referring to the fact that during World War II the United  
11 States dropped an atomic bomb on a Japanese city, killing or  
12 severely burning millions of people?

13 A. Yes, sir.

14 Q. And just as you thought Hiroshima was justified, you  
15 thought 9/11 was justified?

16 A. I believe -- by the time I was comparing 9/11 to  
17 Hiroshima, I did start out after my interactions with Ahmad  
18 with the position -- he had convinced me that 9/11 was  
19 permissible, Islamically speaking, and that that was valid,  
03:31 20 justified, et cetera. By the time I was comparing it to  
21 Hiroshima, that was more to make a moral equivalence in -- I  
22 think it was the sort of argument I had derived from writers  
23 like Noam Chomsky, et cetera, that -- you know, that one --  
24 just two separate forms of the same thing, which is terrorism.

25 Q. You indicated you also supported Osama bin Laden?

1 A. Yes, sir.

2 Q. Now, you read, in addition, about other people's views of  
3 9/11?

4 A. Yes, sir.

5 Q. You mentioned that there was a 9/11 Fatawa issued?

6 A. Yes, sir.

7 Q. Can you remind us what the word "Fatawa" means?

8 A. It's like a religious ruling issued by a scholar, an  
9 Islamic scholar.

03:32 10 Q. Is it the scholar's opinion of Islamic law or  
11 jurisprudence?

12 A. Yes, sir. It's a judicial opinion.

13 Q. When you referred to the 9/11 Fatawa, what were you  
14 referring to?

15 A. I think it was a Fatawa, ruling, issued by a particular  
16 Saudi scholar, Hamood Uqlaa.

17 Q. Justifying 9/11?

18 A. Yes, yeah.

19 Q. You believed all these things then --

03:33 20 A. Yes, sir.

21 Q. -- right?

22 A. Yes, sir.

23 Q. Now, we've heard a lot of the word "Jihad" or "Jihadist,"  
24 right?

25 A. Yes, sir.

1 Q. I'd like you to be very specific in your answers. The  
2 word "Jihad" comes from the Qur'an, correct?

3 A. Yes, sir.

4 Q. And the word "Jihad" is mentioned many times in the  
5 Qur'an, is it not?

6 A. That is correct, sir.

7 Q. It's referred to in various ways or with various meanings  
8 in the Qur'an, is it not?

9 A. It is, sir.

03:33 10 Q. Fundamentally, Jihad refers to obligations or duties that  
11 Muslims have, correct?

12 A. Yes, sir.

13 Q. And Jihad is characterized as sometimes the personal  
14 obligation that a Muslim has to lead his life or her life as a  
15 good Muslim, correct?

16 A. Yes, it can be.

17 Q. And it sets forth so many different things that -- so many  
18 different things that a Muslim must do to be a good Muslim?

19 MR. CARNEY: Technical difficulty.

03:34 20 Q. One of the things that would be considered part of Jihad  
21 is the obligation or duty for a Muslim to come to the defense  
22 of a Muslim country that's being attacked or invaded, is that  
23 right?

24 A. Yes, sir.

25 Q. It applied when the Mongols invaded, right?

1 A. Correct.

2 Q. It invaded -- it applied when the Bosnians were being  
3 massacred, right?

4 A. Yes, sir.

5 Q. It involved when ethnic cleansing was going on in  
6 Chechnya, right?

7 A. Right.

8 Q. It involved when those Russians invaded Afghanistan,  
9 right?

03:35 10 A. Yes, sir.

11 Q. It involved when the United States invaded Iraq?

12 A. Yes, sir.

13 Q. And this concept of Jihad required, initially, the people  
14 who lived in that Muslim country to repel the invaders, whoever  
15 they might be, right?

16 A. Yes, sir.

17 Q. And if they were unsuccessful, then the neighbors of that  
18 country who were Muslim were to come to their assistance,  
19 right?

03:35 20 A. Yes, sir.

21 Q. And if those people were not enough, then people from  
22 around the world who were Muslims were to go to that country  
23 invaded and repel the invading army, right?

24 A. That is correct.

25 Q. That is the essence of the Jihad we're talking about,

1 isn't it?

2 A. Much of it, yes, sir.

3 Q. Defending an Islamic or Muslim country that's being  
4 invaded, correct?

5 A. Yes, sir.

6 Q. Now, these were beliefs shared by Ali Aboubakr, right?

7 A. Yes, sir.

8 Q. Who was an earlier witness in this trial. Hassan Masood,  
9 right?

03:36 10 A. Yes, sir.

11 Q. Another witness. Daniel Maldonado, right?

12 A. Correct, sir.

13 Q. You --

14 A. Yes, sir.

15 Q. -- right?

16 Kareem Abuzahra?

17 A. I presume so, yes, sir.

18 Q. And Tarek?

19 A. Yes, sir.

03:36 20 Q. Now, when you talked about Daniel Maldonado, he was very  
21 close to you, wasn't he?

22 A. Yes, he was.

23 Q. He was someone that you'd fairly describe as being a very  
24 friendly person?

25 A. Yes.

1 Q. A very open person?

2 A. Yes.

3 Q. A generous person?

4 A. Yes, very much so.

5 Q. Someone who really enjoyed talking with people?

6 A. Yes.

7 Q. Someone who was a nonviolent person, right?

8 A. When I knew him, yes, sir.

9 Q. And you got to know his best friend, Tarek Mehanna, didn't  
03:37 10 you?

11 A. I did, sir.

12 Q. Tarek Mehanna is someone who, from the outset, impressed  
13 you as being someone very knowledgeable about Islam, isn't that  
14 true?

15 A. It is, sir.

16 Q. And he was someone who tried to help you learn about  
17 Islam, didn't he?

18 A. He did, sir.

19 Q. He would talk to you about passages in the Qur'an,  
03:37 20 correct?

21 A. Yes, sir.

22 Q. He also would discuss Hadiths with you, wouldn't he?

23 A. He would.

24 Q. For example, he'd give you a Hadith and ask you to take a  
25 look at it, which you willingly did, so that you and he could

1 get together the next time and discuss it, is that right?

2 A. That is true, sir, yes.

3 Q. That happened many, many times, didn't it?

4 A. Yes, sir.

5 Q. Tarek was someone who would do extensive research in books  
6 and publications by scholars, wouldn't he?

7 A. He would.

8 Q. He was always trying to get back to the original law and  
9 understand it and help you understand it as a guide to how you  
03:38 10 would live your life, correct?

11 A. Yes, sir.

12 Q. He also would go on the internet and do research there,  
13 correct?

14 A. Yes.

15 Q. He'd go on web forums where people would express opinions,  
16 and he would engage in that, too, correct?

17 A. Yes, sir.

18 Q. You've already told us that you posted on web forums such  
19 as Tibyan, correct?

03:38 20 A. Yes, sir.

21 Q. Another was Clear Guidance, right?

22 A. That is correct.

23 Q. And these were forums -- or Clear Guidance, for example,  
24 was one that you found on your own in looking on the internet?

25 A. It is.



1 Q. Tarek also taught classes at the mosque, didn't he?

2 A. Yes.

3 Q. In fact, during Ramadan, he'd give a weekly class at the  
4 mosque, wouldn't he?

5 A. I don't recall.

6 Q. Do you remember him teaching in the Islamic mosque --  
7 there's a redundancy -- a mosque, once a week in Boston?

8 A. I don't recall if it was during Ramadan or not. But, yes,  
9 he did have classes and talks and such at the mosque, yes.

03:39 10 Q. And he would be talking about religious topics?

11 A. He would, yes, sir.

12 Q. And trying to connect this core Salafi view to how a  
13 person can live his life as a good Muslim, correct?

14 A. Yes, sir.

15 Q. He encouraged you to learn Arabic if you could so you  
16 could read about this in the original language, didn't he?

17 A. Yes.

18 Q. It's fair to say that two people that Tarek admired most  
19 were mujahids, who are holy warriors, fighting for Islam,  
03:40 20 defending an Islam country, right?

21 A. Yes, sir.

22 Q. And scholars of the Islam religion, correct?

23 A. Absolutely.

24 Q. Now, he would post on Tibyan often citing quotations from  
25 the Qur'an or statements from the Hadiths or excerpts from

1 scholarly texts to explain his ideas, wouldn't he?

2 A. Yes, sir.

3 Q. He would acknowledge that there was a duty to help a  
4 Muslim country that's being invaded, correct?

5 A. Yes, sir.

6 Q. But he also acknowledged that the Qur'an does not expect  
7 every Muslim to be on the battlefield, right?

8 A. Yes, sir.

9 Q. There are realities that there are some people who will go  
03:41 10 into battle and fight, and some people who will never go into  
11 battle, onto a battlefield and fight, right?

12 A. Yes, sir.

13 Q. But those two kinds of people can, nonetheless, fulfill  
14 their duty as Muslims by serving and participating in Jihad in  
15 other ways, right?

16 A. Yes, sir.

17 Q. In other ways that you could help the soldiers in the  
18 country repel the invading army, correct?

19 A. Yes, sir.

03:41 20 Q. Now, the prosecutor asked you about a book called 39 Ways.  
21 You're familiar with that book?

22 A. Yes, sir.

23 Q. That original book was published in Arabic, wasn't it?

24 A. I believe so, yes.

25 Q. And was not written by Tarek Mehanna, right?

1 A. No.

2 Q. It was a book designed to show Muslims who were not going  
3 to go fight on a battlefield how, nonetheless, they could  
4 fulfill their obligations as a Muslim, right?

5 A. Correct.

6 Q. Mr. Mehanna translated that book from Arabic to English,  
7 didn't he?

8 A. Yes, sir.

9 Q. Now, you had discussions with him about his translation?

03:42 10 A. Yes, sir.

11 Q. In the sense of why he did it, what his purpose was?

12 A. Yeah. And I recall him telling me he translated it, et  
13 cetera.

14 Q. And he translated it so that Muslims in the United States,  
15 for whom watching videos would be the closest that they ever  
16 get to a battlefield, would know how they could help in Jihad  
17 in other ways, right?

18 A. Yes, sir.

19 Q. And that way, the armchair Jihads would be able to fulfill  
03:43 20 their duty by helping expel an invading army in different ways,  
21 isn't that right?

22 A. Can you repeat the question, sir?

23 Q. So that way, an armchair Jihadi -- my term -- could help  
24 expel the invading army in other ways, right?

25 A. I suppose so.

1 Q. Now, at one point, you told Tarek that his translation was  
2 being sold on the internet, remember that?

3 A. I do remember having a discussion that some item -- I  
4 don't recall which one, but something he had translated was,  
5 yes, being sold on a website on the internet.

6 Q. So that someone was making money on Tarek's translation?

7 A. Yes.

8 Q. You brought up the fact that he wasn't going to be getting  
9 any royalties from this; do you remember that?

03:44 10 A. Yes.

11 Q. And Tarek's response was, It's not about money. It's  
12 about serving God, right?

13 A. Something to that effect, sir, yes.

14 Q. Something to the effect that, It's not about money?

15 A. Yeah. He was clear that it wasn't about money.

16 Q. It was about serving God, is that right?

17 A. Yes.

18 Q. You don't ever recall Tarek Mehanna say that al Qa'ida is  
19 doing an important job, do you?

03:44 20 A. I don't recall him making a statement to that effect, no,  
21 sir.

22 Q. You don't ever recall Tarek Mehanna saying, We need to  
23 support al Qa'ida, do you?

24 A. Again, I don't recall words specifically to that effect.

25 Q. You never remember Tarek Mehanna saying, We should join al

1 Qa'ida, do you?

2 A. I certainly don't have any recollection of that, sir.

3 Q. You don't remember Tarek Mehanna ever saying that, We've  
4 got to do something to advance the cause of al Qa'ida, do you?

5 A. I don't recollect any statements to that effect.

6 Q. You don't know of any instance where Tarek Mehanna was  
7 directed by al Qa'ida to do something, do you?

8 A. I have no knowledge of that, no, sir.

9 Q. There was no instance that you know of where Tarek Mehanna  
03:45 10 was in contact with someone from al Qa'ida coordinating  
11 something with al Qa'ida, are you?

12 A. I have no knowledge of that, sir, no.

13 Q. There were no overseas-based influences that you knew of  
14 that were directing or coordinating with Tarek Mehanna, isn't  
15 that true?

16 A. Not that I'm aware of, no, sir.

17 Q. Now, certainly, sometimes Tarek would comment favorably  
18 when watching a Jihadi video, right?

19 A. Correct.

03:45 20 Q. You actually told the FBI that you thought Tarek was  
21 really a lot of "bluster," was a term you used?

22 A. I don't recall if I told that to the FBI or not, sir.

23 Q. Is "bluster" a word you use?

24 A. I have used it before, sir, yes.

25 Q. Would it be applicable to say that there were a lot of

1 times when Tarek was a lot of bluster?

2 A. Yeah. We all were at that time, sir, yes.

3 Q. What does "bluster" mean?

4 A. Just kind of venting and saying stuff, but there's no  
5 actual substance to it.

6 Q. It's fair to say that Tarek believed that the way he could  
7 support Jihad was through prayer, right?

8 A. Yes, sir.

9 Q. Through speaking in favor of getting invading armies out  
03:46 10 of a Muslim country, right?

11 A. Yes, sir.

12 Q. He believed in translating documents from another language  
13 so that people in America could read the other point of view --

14 A. Yes, sir.

15 Q. -- right?

16 Now, we talked about al Qa'ida a moment ago. And you  
17 mentioned that Tarek had given a sermon at a mosque some Friday  
18 afternoon --

19 A. Yes, sir.

03:47 20 Q. -- where people were upset with what he was saying?

21 A. That is correct.

22 Q. The sermon was about a government-funded report that was  
23 talking about Muslims, correct?

24 A. Yes, sir.

25 Q. This was done by the consulting group the RAND

1 Corporation?

2 A. I believe so, yes.

3 Q. And the RAND Corporation had provided this report to the  
4 U.S. Government to advise the U.S. Government about which sects  
5 of Islam the U.S. Government should support and encourage and  
6 which sects, s-e-c-t-s, of Islam they want to discourage or  
7 disfavor, right?

8 A. Yes, sir.

9 Q. So that the United States Government was advised to get  
03:48 10 involved in religion and tell people or take actions that would  
11 favor one type of a branch of religion over another type of  
12 branch of religion, right?

13 A. Yes, sir.

14 Q. And Tarek was upset about this, wasn't he?

15 A. Very much so.

16 Q. And he said that this was not something the government  
17 should be doing in the Muslim religion, correct?

18 A. Yes.

19 Q. Any more than the government should be saying about  
03:48 20 Protestants, that we should push the Baptists, and we should  
21 discourage the Episcopalians, right?

22 A. Yes, sir.

23 Q. His view was government has no business in this?

24 A. Yes, sir.

25 Q. Now, some people were upset at how strongly he spoke,

1 right?

2 A. That is correct.

3 Q. You told us, in questioning by the prosecutor, that some  
4 people said, Oh, my God, he sounded like al Qa'ida, right?

5 A. That is -- yes.

6 Q. And Tarek was insulted by that, right?

7 A. Yes.

8 Q. He was upset by that, that people would say he was like  
9 al Qa'ida, correct?

03:49 10 A. Yes.

11 Q. He said that the people who called him the equivalent of  
12 al Qa'ida were evil for saying that he is the equivalent of  
13 al Qa'ida? That's how strongly he believed about this, right?

14 A. He was very upset about it.

15 Q. Now, the last thing I want to ask you about before the  
16 break is that you mentioned that Tarek often was looking for  
17 books that would be supportive, is that right?

18 A. Supportive of what specifically?

19 Q. Of the belief that it was appropriate to oppose invading  
03:50 20 armies or armies that were being fought against by natives of  
21 that country, right?

22 A. Yes, sir.

23 Q. And do you remember Tarek talking to you one day -- if I  
24 may just have a sec -- with you about books concerning the  
25 American resistance against the British colonists, right? You



1 remember that?

2 A. Vaguely, sir, yes.

3 Q. And that he'd like to read up on it?

4 A. Yeah. I believe he had requested if I knew any good  
5 titles on the subject.

6 Q. He wanted to read about the mindset of Americans who were  
7 fighting against the British, to get the British out of our  
8 country, right?

9 A. I don't recall what his motivation was for seeking out  
03:51 10 those books, sir.

11 Q. Do you remember his motivation was he wanted to compare it  
12 to the Islamic resistance today in places like Bosnia,  
13 Chechnya, Afghanistan, and Iraq; do you remember that?

14 A. I don't, sir.

15 Q. All right.

16 MR. CARNEY: Can I call up Exhibit 661, please.

17 Q. Do you recognize this, Dan -- I'm sorry, Mr. Spaulding?

18 A. Yes, sir.

19 Q. Just, your name Dan just popped up in front of me.

03:52 20 A. That's fine.

21 Q. I guess taking a page from the prosecutor, I'll read  
22 Tarek's words and you can read your words, okay?

23 A. Yes, sir.

24 Q. "Dan, do you have any books about the American resistance  
25 against the British colonists?"

1 A. "Not really. Why?"

2 Q. "I would like to read up on it."

3 A. "Oh."

4 Q. "Their methods of fighting the British, their mindset at  
5 the time, etc."

6 A. "Hmm."

7 Q. "Compare it to the Islamic resistance of today might help  
8 in Da'wah," which is the call to Islam.

9 A. "I'll look into it and see what is relevant to the topic,  
03:53 10 God willing."

11 Q. "Yeah, see if they did any 'shahadah martyrdom ops' or  
12 anything back then."

13 A. "Do you want history books or autobiographies of the  
14 people there?"

15 Q. "History."

16 A. "Okay. God willing."

17 Q. "Cool." And that's the exchange you had with him?

18 A. Yes, sir.

19 MR. CARNEY: That's all I have today, your Honor.

03:53 20 THE COURT: Let me see counsel before we adjourn.

21 (SIDEBAR CONFERENCE AS FOLLOWS:

22 THE COURT: Today? You have more? My only  
23 interest --

24 MR. CARNEY: I'm probably not even halfway through.

25 THE COURT: I just wanted to know, if we could go 15

1 minutes and finish the guy so he doesn't have to come back.  
2 But if it's more than that --

3 MR. CARNEY: I don't think I'm even halfway through.

4 THE COURT: So he will be back tomorrow. And then  
5 what? Genck?

6 MR. AUERHAHN: Genck. And then if we get to -- he's  
7 saying no.

8 MR. CHAKRAVARTY: We would have two linguists who  
9 would -- the new set of verbatim translations which had  
03:54 10 previously been summaries, they will be --

11 MR. CARNEY: I'm confident we're going to stay on  
12 track -- on schedule tomorrow and finish everything that your  
13 Honor is expecting us to finish.

14 THE COURT: That means through the linguists? I don't  
15 know what I expect. You tell me what I'm expecting.

16 MR. CHAKRAVARTY: Depending on the timing of the  
17 linguists, we filed a motion yesterday to publish the Juthath  
18 video, Exhibit --

19 MS. BASSIL: I'm going to have a big objection to  
03:54 20 that.

21 THE COURT: That would be tomorrow?

22 MR. CHAKRAVARTY: One of the proposals for the  
23 government was, to offset any concern that there will be some  
24 commentary about the video beyond what's in the four corners of  
25 the video, the linguist would read the five chats that kind of

1 lay the foundation for that video and then play the video  
2 without any additional commentary. It would be, This is the  
3 translation for that video.

4 THE COURT: Okay. All right.

5 MS. BASSIL: I'm going to have objections to that.  
6 I'll put it on the record tomorrow.

7 . . . END OF SIDEBAR CONFERENCE.)

8 THE COURT: Okay, jurors. We'll recess now for the  
9 day and resume tomorrow at 9.

03:55 10 (Whereupon, at 1:02 p.m. the trial recessed.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

/s/ Cheryl Dahlstrom  
CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: November 22, 2011